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MASON AND DIXON'S LINE:

A HISTORY.

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1395

INCLUDING AN OUTLINE OF THE

Boundary Controversy between Pennsylvania and Virginia.

BY

JAMES VEECH.

"I'll give thrice so much land to any well deserving friend;
But, in the way of bargain, mark ye me,
I'll cavil on the ninth part of a hair."

HOTSPUR.

PITTSBURGH:
W. S. HAVEN, CORNER OF MARKET & SECOND STREETS.
1857.

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PREFACE.

There are references—to say nothing of defects—in both the text and notes of the following pages, which require a word of explanation.

The sketch, here given in a separate form, constitutes a chapter in a work now in press, entitled "THE MONONGAHELA OF OLD; *or, Historical Sketches of South-western Pennsylvania, to the year* 1800; *with special reference to Fayette County, &c.*" in the preparation of which the author has been engaged for the past two years. Some history of *Mason and Dixon's Line*, upon which Fayette county, in common with her sisters of the southern tier, rests, came necessarily within the scope of the work. To give to the subject its rightful measure of prominence and elucidation, called for a more extended range of research, both as to time and territory, than pertains to most of the other sketches. Indeed, the most important of the events and intricacies which compose its history are associated with localities which lie beyond the limits of South-western Pennsylvania. It was, therefore, suggested by a few friends, to whom the MSS. and proof sheets of the chapter were submitted, that I ought to re-produce it as a distinct treatise, adapted to the general reader. To do this would require the expurgation of many passages which are the result of the "special reference" sought to be given to the entire work; and the incorporation of some of the illustrative statements found in others of the sketches, and which are referred to, not only in some of the notes, but sometimes in the text. I did not deem the article of sufficient importance to bestow upon it this increased labor of re-construction. I yielded to the suggestion so far only as, while the "forms" were up, to procure a few extra copies to be printed, without any other alterations than in the paging and head lines. This is my apology for what, without it, would be unintelligible interpolations and deficiencies.

To give to the article a little more of the unity of a distinct treatise, I have appended a few pages relating to the "boundary controversy" with Virginia, which resulted in the establishment of the western end of the line, and the western boundary of Pennsylvania—a subject which holds the key to almost every department of the history of the south-western part of the State.

It will readily be seen that the accompanying outline Map was designed to illustrate both of these boundary disputes.

If this unpretending effort to obtrude what some will regard as an effete, and what really is an almost forgotten subject, upon the public attention, be challenged with the inquiry—*Cui bono?* I answer, that I admit it does not come within the Baconian rules which have, perhaps, too much control over modern "progress." But I know of no more interesting, if not profitable field of historic research than that which takes in the boundary conformations of the several States of our Union, especially the Old Thirteen. We abound in histories, of varied merit—colonial, national, State, local, civil, political, naval and military; and in very satisfactory treatises upon our geography, descriptive and physical; but we are singularly deficient in what may not inaptly be termed our *Historical Geography*. The neglect of this department of research is the more to be wondered at and regretted, because of its intimate blendings with, and elucidations of, all our other history, civil, political, social and religious. If my little labors upon this large field shall have served, in any degree, to incite to a demand for more thorough cultivation, my ambition will be fully sated.

J. V.

Uniontown, Pa., September 1, 1857.

NEW YORK
LAKE ERIE
OHIO
PENNSYLVANIA
NEW JERSEY
MARYLAND
VIRGINIA
DELAWARE
The heavy dotted line across the Western Counties is intended to correspond with the River Delaware at the distance of five degrees of Longitude in every part – being the Western boundary as claimed by the Penns, in 1772. They also claimed a parallelogram of N.W. Virginia west of the Western line of Maryland, and down to line 39° Virginia claimed all of Pennsylvania "west of the Laurel hill" or all west of a due South line from the end of five degrees of Longitude measured from the Delaware on N.Lat. 42°, and to restrict Pennsylvania to the line 40° west of the meridian of the West line of Maryland.
Mason & Dixon's Line was run & marked by Ch. Mason & Jer. Dixon, for the Penns and Lord Baltimore in 1764-7 as far as the second crossing of Dunkard in Greene Co. It was completed in 1782-'84 by Penn's & Virginia. Whole length, from mouth of Christiana Creek near New Castle, 267 mls 295 perches – equal to five degrees of Longitude in that Latitude. From the intersection of west line of Maryland to the end is about 54½ miles.
MASON & DIXONS LINE 39°43'26"
Pennsylvania & Virginia compromised their disputes in 1779-'80. The lines were run temporarily in 1782, from Dunkard to the Ohio, & finally in 1784. From the Ohio to the Lake the line was run in 1786, by Col. Andr. Porter & Col. Alex'r McClean.
Erie
Crawford
Mercer
Venango
Franklin
Clarion
Lawrence
Butler
Beaver
Armstrong
PITTSBURGH
Allegh. R.
Monongahela R.
Washington
Westmoreland
Pan Handle
Wheeling
Marshall
Green
Fayette
Somerset
Bedford
McConnellsburgh
Chambersburg
Gettysburg
York
Wrightsville
Susquehanna R.
Lancaster
West Chester
PHILADELPHIA
Chester
Trenton
Bordentown
Easton
Delaware R.
Pike Co.
New Castle
12 Miles
Wetzel
Monongalia
Preston
Cheat R.
Marion
Ritchie
Harrison
Taylor
Doddridge
Lewis
Barbour
Randolph
Fairfax Stone
Cumberland
Hancock
Potomac
N. Branch
Hardy
S. Branch
Hampshire
Frederick
London
River
BALTIMORE
WASHINGTON CITY
CHESAPEAKE BAY
Cape Cornelius
Cape Henlopen or Fenwick's Island
Cape May
42°
41°
40°
39°
4°
3°
2°
1°
0
1°
2°

MASON AND DIXON'S LINE.

Its peculiarities—36° 30′—Slavery—Colonial Titles—New England and Virginia at 40°—The Dutch Dynasty—Delaware born at Swaanendael—Maryland granted—The Swedes—The Dutch conquer them—The Duke of York conquers the Dutch—His Domains—William Penn—Pennsylvania granted—Where was 40°—Disputes with Lord Baltimore begin—Penn buys Delaware—Boundary Negotiations—The King halves the Peninsula—Delaware stands alone—Death and Character of Penn—New Lords—Concordat of 1723—Agreement of 1732—Boundaries agreed upon—Strife renewed—Parties go into Chancery—Quibbling—Border Feuds—Cresap—Temporary Line—Lord Harwicke's Decrees—Final Agreement of July 4, 1760—Gains and Losses of the Parties—Retributive Justice—Pennsylvania ahead—Connecticut controversy—The Lines run—Mason and Dixon—Lines around Delaware—The Great Due-West Line—Slow progress—Indians about—Halt at the War-path—The Corner Cairn—How the Line was marked—The Visto—Instruments used—Measurements—New Troubles—All quiet—Distances and Localities—Re-tracings in 1849—Errors and Certainties—Mutations of Boundary and Empire—Is the History of the Line ended? Not yet.

The southern boundary of Pennsylvania exhibits several striking peculiarities. Its eastern end consists of a considerable arc of a circle, which, springing from the river Delaware, connects itself with the latitudinal part of the line by a deep, sharp indentation, or notch, so as to resemble what in architecture is called a *bead*. From the initial point of the latitudinal line, near the circle, it stretches away to the west, through field and forest; intent only upon preserving its course, without being deflected by either the channel of a river or the crest of a mountain. Climbing obliquely the summit of the Alleghenies, it turns its back upon the fountains which feed the Atlantic; and, rushing down into the Ohio Valley, stoops in its pathway to drink of the crystal waters of the Youghiogheny. Rising refreshed, and with its eye still fixed to the West, it hurries on, regardless of the intersecting line of a sister sovereignty; and, stalking across the Cheat and the Monongahela, stops amid the Fish creek hills, within half a day's journey of the river Ohio; as if exhausted by the rugged route it has traversed, and unable to reach that great natural boundary, recognized by every other State than Pennsylvania which its current laves.

Upon a closer inspection it will be seen that it is equally regardless of the established lines of admeasurement upon the earth's

surface; conforming to neither of the limits of a degree of latitude, nor to any of its easily-comprehended parts; and this, without being forced into its anomalous position by any object, or obstacle of nature. For at neither end does it terminate, nor in any part of its extended course does it touch, upon any prominent natural landmark. It is wholly, in every part, and in all its forms, an artificial, arbitrary line, without a model, or a fellow upon the continent.[1] And yet it is perhaps more unalterable than if nature had made it: for it limits the sovereignty of four States, each of whom is as tenacious of its peculiar systems of law as of its soil. It is the boundary of empire.

Whence came these peculiarities—this palpable disregard of the plain provisions of nature and science for the divisions of dominion? Is this singular line the result of compulsion, or of compact—of noisy strife, or of quiet agreement? How old is it—what its ancestry—whence its name? These, with many other curious questions which spring from the subject, take hold upon the past, and find their solution only in history. Strange subject, too, for history, is a line, defined to be "length, without breadth or thickness." Yet this line has a history of a hundred years' duration, spreading out over more than half the old thirteen States, and sinking deep into the very foundations of their being. It abounds in curious conflict of grant and construction, in bold encroachments upon vested rights, in artful remedies for inconvenient limitations. Kings, lords and commoners, English, Swedes and Dutch, Quakers and Catholics, figure conspicuously in the narrative, with dramatic effect. Upon much of the disputed margins of the line have been enacted scenes of riot, invasion, and even murder; which want only the fanciful pen of a Scott or an Irving to develop their romantic

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[1] In some respects, the celebrated 36° 30′ resembles Mason and Dixon's Line; with which political writers and declaimers sometimes confound it. But it has neither the beauty, the accuracy, nor the historic interest of our line. It is, or rather was intended to be, the southern boundary of the States of Virginia, Kentucky and Missouri; but it has been most bunglingly run, as a glance at a United States map will show. Beginning correctly, on the Atlantic, at Currituck inlet, by the time it gets to the western confine of North Carolina—to which it was run before the Revolution—it is some two miles to the south. Its extension was resumed in 1779–80; and after correcting the first error the surveyors run into a greater one, for at the Tennessee river they are some ten or twelve miles too far to the north. When afterwards extended to the south-west corner of Missouri, the surveyors drop down to the true 36° 30′, and run it out truly; except the deviation, west of the Mississippi, to take in the New Madrid settlement. West of the south-west corner of Missouri, this line of 36° 30′ *has* a history which it is too soon yet to write.

interest. In the strife and negotiations which led to its establishment, endurance and evasion were put to their highest tests: in tracing it, science achieved one of its most arduous labors. In intricacy and interest, if not in importance, the subject is inferior to none in American history. We regret that we can give to it here only a condensed exposition. That which, without undue expansion, could fill a volume, must here be limited to a brief statement of why, when and how the line was established, accompanied only by such illustrative details as have interest to us who stand upon its western end. It will be seen also that the subject is an indispensable preliminary to the boundary controversy with Virginia, to which we will introduce the reader in our next chapter. And although the two subjects are as inseparable as the lines to which they relate, they are sufficiently distinct to allow them to be separately considered. We take up the oldest first.

Some inconsiderate reader may be disposed to turn away in disgust from a further perusal of this sketch, upon the assumption that Mason and Dixon's Line can have no other history than a diatribe upon the stale subject of slavery. To give instant relief to such an one, we promise to say not one word upon that subject. Historically, the line has nothing to do with human bondage. True, in the course of human events it has come to pass that it has long been the limit, to the northward, of the "peculiar institution;" and were it not that the "pan-handle," like an upheaval of schist through a stratum of free old red sand-stone, mars its continuity, it would, by direct connection with the Ohio, form, with it, an unbroken barrier to the desolations[2] of slave labor, from the Delaware to the

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[2] We use this term in no harsh or political sense. Except in the culture of the great Southern staples of cotton, sugar, rice and tobacco, slaveholders themselves regard slave labor as unprofitable, and mourn over its desolations. Wasteful and imperfect tillage and depreciation of intelligent white labor, are its unavoidable tendencies. Hence the Southern avidity for *new lands* in the West, wherein to plant the "institution." Experience has shown that outside appeals and arguments, drawn from the right and wrong of the "relation," will never sever the South from slavery. Nor will climate effect the cure. Interest—loss and gain, are the great solvents before which it will crumble and dissolve. Whenever it can acquire no more virgin soil upon which to spread itself—whenever its peculiar staples can be as well produced by free labor, or find substitutes in the products of free white labor—then will slaveholders become the advocates of "abolition." Until then, the policy of the North is to let them alone; and firmly, but kindly, to resist any further enlargement of their territorial or political dominion. For they seek to acquire and maintain political ascendancy only to preserve and advance their *interests*. Happily, there is yet room enough for all—white and colored, native and foreign. Let each have their proper rights and places; and if we cannot agree, let us not *quarrel*, about their distribution.

Mississippi. But it was established for no such purpose, and when established, negro slavery existed upon both sides of it. That it has ceased to exist on one side and not on the other, are fixed facts, attributable to influences which we are not here called to consider. We have to treat of transactions that reach further back upon the track of time.

The discovery of America, in 1492, was a great event in the annals of human progress. And yet it seems to have come too soon; for it required the lapse of another century to render it available for any real good to the mass of mankind. In the meantime, however, mind was becoming emancipated, and separate portions of the New World were being appropriated by the nations who were, in due time, to people its wastes.

The mode of acquiring title to distinct parts of the American continent by the old European nations, had in it more of form than of fact, more of might than of right. It consisted in sending out some bold navigator, who, after sailing in sight of some hitherto undiscovered coast, or up some bay or river, upon whose surface had never before been cast the shadow of a ship, landed upon its shores, unfurled the flag under which he sailed, and, with cross in hand, devoutly took possession for his country, to the exclusion of all other Christian claimants. In this consisted the vaunted Right of Prior Discovery—a kind of kingly "squatter sovereignty," or national preëmption, founded upon a necessity for some limit to the land-greed of nations as well as individuals.

The domain of England in North America, conferred by the prior discoveries in 1497, of John Cabot, and his son Sebastian, extended, along the Atlantic coast, from N. latitude 58° to 31°, or from Labrador to Florida. Her rights to the extreme latitudes of this range were, for a while, and very justly, too, disputed by France and Spain. She, therefore, wisely postponed asserting her rights to these, until after she had firmly seated herself within the temperate latitudes of her claim; which, although more southward than her own, were nearly isothermal in temperature, and congenial to the physical constitutions and industrial pursuits of her people. In due time she was thus enabled to crush out the pretensions of her rivals; and, in the meantime, to profit by their competition with her, and with each other.

The era of earnest effort in England to colonize America clusters within half a century around the year 1600. Other European nations awoke to like attempts within the same period and within the same latitudes; some of which will demand our notice in the

sequel. We pass over the premature and ill-fated efforts of Raleigh and Gilbert, from 1578 to 1588, under the patronage of Elizabeth; ill-fated because premature, not because ill-designed, so far as under the control of human will. Hence those early efforts were fruitless of aught else than disaster and discouragement, save that they afforded to that haughty queen the privilege of glorifying her "cheerless state of single blessedness" by giving the appellation of *Virginia* to the whole of her American possessions.

In 1603, Westminster Abbey received the remains of Elizabeth. The Tudor dynasty was now ended. Had our colonies been planted under their auspices, they would probably have grown into vast absolute feudalities. Happily for their fundamental adaptedness to become the nurseries of civil and religious liberty, nearly all the Old Thirteen drew their charters from the prodigality, and their founders from the oppressed subjects, of the Stuart race of kings; who were as lavish of their distant domains upon "favorite courtiers, or troublesome subjects," as they were tenacious of power and prerogative at home. The set time for founding an empire of freedom had now come, and they were the appointed agents to effect it. Unwittingly, they became sponsors for foundlings, who within two centuries rose in independence, as if to avenge *their* dethronement upon the haughty House of Hanover. They gave away the soil of half a continent, which it cost them nothing to acquire, and with it the seeds of institutions which "were not the offspring of deliberate forethought, which were not planted by the hand of man;—they grew like the lilies, which neither toil nor spin."[3]

In 1606, King James I. of England, leaving ample margins at the North and the South for disputed dominion, granted eleven degrees of latitude on the Atlantic—from N. latitude 34° to 45°, or from the southern point of North Carolina to the northern confines of New York and Vermont, to two companies of corporators; one of which, called the London Company, was to possess the South; the other, called the Plymouth Company, was to possess the North; with an intervening community of territory between

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[3] *Bancroft.* The voluminous History of the United States by this eminent statesman and scholar, although invaluable for its fullness, richness and general accuracy, is lamentably deficient in defining the limits of the ancient colonial grants. Indeed, whoever wishes, from our most popular standard writers, to compile a *boundary* history, undertakes an arduous and perplexing labor. Generally, they are meagre, confused and conflicting.

them, from N. latitude 38° to 41°. Virginia was the common name to both, but it was soon exclusively appropriated by the southern company, which was the most efficient. Under its auspices, in 1607, the first enduring English settlement upon the continent was planted at Jamestown. Even the Puritan Pilgrims who landed from the Mayflower, on Plymouth Rock, in cold December, 1620, sailed from Holland under a grant from this company.

In 1609, the same facile king, by a new or amended charter, greatly enlarged the privileges and territory of the southern company. He now gave it a front upon the Atlantic coast of four hundred miles, of which Old Point Comfort, the southern cape of James river, was to be the half way point:—"and from the sea-coast of the precinct aforesaid up into the land throughout, from sea to sea, west and north-west:"—very ample limits, truly. Old Point Comfort is nearly upon N. latitude 37°. Hence, at 69½ miles to a degree, this enlargement had little effect upon the southern limit of the Old Dominion; but northwardly, it gave to her two degrees of latitude of what had before been common territory, and (making due allowance for the coast-line being the base of the triangle,) carried her about up to N. latitude 40°. This charter was revoked, or annulled, by the king, in 1624; but, except when portions of her territory were, by several subsequent grants, conveyed away to other favorites, to become the germs of other States, no further change was ever afterwards made in the boundaries of Old Virginia.

The old North Virginia Company was a rickety, short-lived concern. It accomplished nothing towards colonization. It, however, did one good thing. The southern company having, by maltreatment, driven from its service its father and defender, Captain John Smith, its northern rival gave him employment, and sent him out to explore and map its territory. He had proved his competency by having before performed similar labors upon the region around the Chesapeake. Having accomplished the work assigned him by the Plymouth Company, he returned to England in 1614; drew out a map and an account of his explorations, which he presented to the king's son, Prince Charles, who thereupon named the territory *New England*. Here ended the old North Virginia Company, whose territory was from N. latitude 41° to 45°.

While the Pilgrim Fathers were on their ocean way from old to new Plymouth, in 1620, a new charter was granted by James I. to a new corporation, by the name of "The Council established at

Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New England in America." Its territory was "all that part of America lying in breadth from 40° to 48° N. latitude, and in length by all the breadth aforesaid throughout the main land, from sea to sea:"—a grant which would have outlimited its southern rival, had it not been that, ere this, the French had crept in, through the gulf and river St. Lawrence, behind them, and founded Canada. It, however, became the father of the New England States. From it the numerous colonies, of which they are now the aggregates, derived their territorial grants. Their charters of privileges and government they obtained directly from the throne. These grants were regarded as kind of sub-infeudations, carved out of the original grant; and, by 1635, had well nigh exhausted it. New England, however, was regarded as an entirety until after 1632, the year in which Virginia suffered her first dismemberment.

We have been thus particular in developing the foundations and territorial juxtaposition of these two old parent colonies, New England and Virginia, for the purpose of determining with precision at what point or line they united. The materiality of the inquiry will soon be apparent. Manifestly, their common boundary was the 40th line of north latitude. There we leave them together in peace, resting upon the bosom of Pennsylvania, while we go back to trace up the strife we are soon to contemplate.

Ere yet these two old parent colonies had solemnized their nuptials at 40°, in 1609, there sailed from the Texel, in Holland, a well appointed ship, commanded by Sir Henry Hudson, an Englishman then in the employ of the Dutch East India Company. His object was to find a north-west passage to China. Driven out of the arctic inlets by ice and fogs, he turns his prow southward along the English-American coast, as far as the Chesapeake. Having studied Captain Smith's map of that region, he knew where he was. His object was discovery. He again steers northward. Keeping more closely to the shore, he discovered the Delaware Bay, into which he sailed; but its flat shores not suiting his taste, he repassed its capes without landing. Coasting along the sands of New Jersey, he discovered the entrance to the New York waters.[4] He enters and anchors within Sandy Hook. The forests

[4] Although Hudson was probably the earliest European discoverer of the Delaware, yet Verrazzani, who sailed under the flag of France, was in New York harbor before him, in 1524. The Delaware takes its name from Lord Delaware, Governor of the South Virginia Colony in 1609, who, it is said, perished off its capes.

and slopes of the Nevisink hills were inviting. The natives were kind and inquisitive. He had found the objects of his pursuit. Before he left he passed the Narrows, sounded his way up the river which now bears his name, beyond the Highlands, and, in a boat, went above Albany. Satisfied, he returned to England, and reported his discoveries to the Dutch. The next year, while in the service of London merchants, seeking the north-west passage, he perished in the great northern bay whose name is his only monument.

Holland, or more properly the States General of the United Netherlands, was then the most energetic maritime power of Europe. They quickly availed themselves of Hudson's American discoveries; and while Smith was exploring New England, they were seating themselves upon what are now the southern territories of New York and eastern New Jersey. Operating entirely by the agency of a corporation—the Dutch West India Company, whose chief aim was trade, they, for many years evinced no design to form any settlements beyond such as were convenient attendants upon traffic. They abode in strength upon the island of Manhattan, founding there, by the name of New Amsterdam, what has become the greatest commercial city of the New World. Gradually they assumed the form and functions of a colony. They spread themselves from Staten Island to Canada, and from the Connecticut to the Delaware, giving to their claim the name of New Netherlands. Although in the grant of New England, in 1620, there was an express exception of territory then in the possession of any other Christian prince or State, yet England and New England ever regarded them as intruders, and omitted no opportunity of attack and annoyance. They, however, by policy and prowess, were enabled to maintain their possessions for half a century, "beset with forts, and sealed with their blood." They were there by sufferance; but in the pages of one of our richest American classics, and in the names of men and places upon both shores of the Hudson, they were there forever. It is, however, to one of the most thoroughly effaced vestiges of their power that our subject is most nearly related.

The Dutch continued to keep an eye to the shores of the Delaware. They built Fort Nassau on the Jersey side, at Gloucester Point, about four miles below Philadelphia. Cornelius May, one of their sea captains, divided his name between its capes, calling the stream South river, as they had called the Hudson, North river. Five years after the Virginia charter was revoked, and ere its northern latitudes had been re-granted or settled, in 1629, Godyn,

a Hollander, bought from the natives a tract of about thirty miles front on the western coast of the Delaware Bay, between the southern limit of Kent county and Cape Henlopen:—not the cape now known by that name, but a headland fifteen miles further south, now called Fenwick's Island, where the southern limit of Delaware cuts the Atlantic. In 1631, he and his associates sent from the Texel, under the conduct of Devries, a trio of vessels, laden with men and women to the number of thirty, cattle, farming implements and seeds. They landed upon the desired coast, and there, near the present site of Lewistown, planted the colony of Swaanendael. Wheat, tobacco and furs were the objects of the settlement. At the end of a year Devries left it, begirt with the forests and the ocean, in peace and prosperity. The next year he returned, and found its site marked only by the blackened huts and bleaching bones of his countrymen. But this short-lived colony was the cradle of a commonwealth. The seed thus buried in blood and ashes, ere long germinated and grew into the State of Delaware—small for its age, but good for its size.

One of the Secretaries of State to James I. was Sir George Calvert, an eminent favorite with the court and the people, and whom the king created Lord of the Barony of Baltimore in Ireland. He resigned his office to embrace the Catholic faith; and his new-born zeal and love of colonial aggrandizement soon impelled him to seek for a grant of American territory whereto his religious brethren might flee from the rigors of conformity. His first resort was to Newfoundland; but failing there, he looked down into the more genial latitudes of Virginia. He had been a member of the old South Virginia Company, and hence looked for some favor in that quarter. This was in 1629. The Virginia Cavaliers, however, treated him rather cavalierly, and put at him the test oaths of conformity and allegiance. These he declined. He knew that the South Virginia charter was annulled, and that the unsettled wastes of her territory were subject anew to the royal grant. He saw that no settlements existed north of 38° and the Potomac. Its superabundant water privileges and luxuriant forests were sufficient temptation to become its proprietary, without the incentive of revenge upon his old Virginia associates. He returned to England, and besought its investiture. It was well known there that not only the Dutch, but the Swedes and French, were preparing to send colonies into these central parts of the English dominion; but it was not known that any had yet been sent, or if Devries' voyage was known, it was unheeded. The Swedes had not yet moved, and the

French never did. England herself asserted the need of occupancy to perfect title to the wilderness. Hence these efforts of other nations stimulated the readiness of the king to yield to the solicitude of Lord Baltimore. The charter, drawn by Sir George himself with unprecedented wisdom and liberality, was prepared; but ere it passed the seals, he died; and his son, Cecil Calvert, inherited his Irish title and seigniory expectant in America.

In June, 1632, Charles I. granted unto his "trusty and well beloved subject," Cecilius Calvert, Lord Baltimore, all that part of the peninsula, or eastern shore of the Chesapeake, north of a line drawn eastward from the mouth of the Potomac through Watkins' Point and the mouth of the river Wigheo, or Pocomoke, to the ocean; which line is nearly on north latitude 38°;—"and between that bound on the south, *unto that part of Delaware Bay, on the north, which lieth under the fortieth degree of north latitude, where New England terminates;* and all that tract of land *from the aforesaid Bay of Delaware, in a right line, by the degree aforesaid to the true meridian of the first fountain of the river Potomac*, and from thence tending towards the south to the further bank of said river, and following the west and south side of it to a certain place," &c., to the beginning. The young proprietary grantee being of the same faith of his father and of Charles' aspiring Queen, Henrietta Maria, she named the grant *Maryland*.

At the date of this charter, save Claiborne's trading settlement upon Kent Island in the Chesapeake, which does not concern us here, the whole territory, within the confines of the grant, was a waste of woods and waters, uninhabited by a civilized man: and so it was recited to be, in the preamble—"*hactenus terra inculta.*" We will soon see what ominous import lay hidden in these unmeaning words. The obvious intent of this grant was to convey to Lord Baltimore the English title to all of the old revoked Virginia grant which was north of the Potomac and of the base line on the peninsula. It was intended to carry Maryland close up to New England, and full out to the Delaware. It can mean nothing else. No other grant, no settlement interfered. It was entitled to go to its uttermost bounds. The only real ambiguity that lurked in its descriptive terms was a *latent* one, of very considerable importance, which we will discover after a while.

The New England Company, as well as King Charles, had been outwitted in the charter which he, in 1629, gave to Massachusetts. It conferred privileges far in advance of the age. Thinking to undermine it, the Council at Plymouth in Devon, in 1635, sur-

rendered its charter: and thus were all the unsettled latitudes of New England, south of the colonies which had been carved out of it, exposed to new grants and settlement. North latitude 40° was no longer its southern limit.

New actors now come upon the stage. Gustavus Adolphus of Sweden had long meditated the planting of a Protestant colony upon the Delaware. But war diverted both his zeal and his funds. He fell, in defence of the Reformation, upon the bloody field of Lutzen. But his spirit remained in his Chancellor, Oxenstiern, who guided the helm of affairs during the minority of Queen Christiana. Under his auspices, late in 1637, the first party of Swedes and Fins sailed for the Delaware, where they landed, at Cape Inlopen, early in 1638. We know that a much earlier date has been given to their advent; but later researches have disclosed the error, and thereby dissipated a favorite ground of attack upon Lord Baltimore's title to the Delaware shore, under cover of "*terra inculta.*" Upon their arrival they bought from the natives rights to settle all along the western shore, up to Trenton Falls; and gave to their domain the name of New Sweden. The Dutch scowled upon them, but the terror of Swedish valor gave them protection. The new colonists grew rapidly in numbers and prosperity, built forts and churches, and were surpassingly successful in cultivating the soil, and in trade and favor with the Indians. In a few years the power of Sweden fell; and thereupon the envy of the New Netherlanders rose to resistance. In 1655, they sent into the Delaware a fleet of seven good Dutch ships, well manned, under the command of Governor Stuyvesant, who quickly reduced the Swedish forts and reëstablished the Dutch dominion. Annexing their conquests to the effaced colony of Swaanendael, they dated back their title, by relation, to the purchase by Godyn. It was this fiction that overreached the title of Lord Baltimore. Had Leonard Calvert led the first settlers of Maryland to the Delaware coast of his brother's domain, the American confederacy would probably have had one little State less.

Charles I. was beheaded in 1649; and during the troubles which preceded that event, as well as during the supremacy of Cromwell, the Lords Proprietary of Maryland were less anxious about its boundaries than its existence. The Catholic colony grew slowly, and was weak. Hence no decisive efforts to dispossess the Dutch were made until after the Restoration, in 1660; and then it was too late. Possession gave confidence, if not power. And to all the arguments and entreaties of Lord Baltimore, the Dutch West

India Company answered: "We will defend our South river possessions even unto the spilling of blood."

Charles II. came to the throne of his father in 1660. Proud, profligate and prodigal, he cared less for the preservation of his dominions than for the gratification of his passions. Alexander wept when he had no more nations to conquer—Charles II. sighed when he had no more distant territories to give away. He was justly caricatured in Holland with a courtesan upon each arm, and courtiers picking his pockets. This "screwed his courage to the sticking point," and he resolved to *stick* the States General in the extremities of their possessions. His first blow was at New Guinea, in Africa—then at New Netherlands, in America. But he must needs first give away the territory to be conquered. Finding no courtier greedy enough to take it, with its incumbrances, he, in March, 1664, granted it to his brother, the Duke of York, afterwards James II. Thereupon he sent out a squadron commanded by Col. Nicholls, who, with recruits from Connecticut, appeared in hostile array before the grim-visaged defences of Manhattan; and, too easily, owing to intestine divisions, achieved a bloodless conquest of New Netherlands upon the North river. The reduction of the South river dependencies, by Sir Robert Carr, quickly ensued. Governor Stuyvesant became an English subject. New Amsterdam became New York; Fort Orange, Albany; and Niewer Amstel, New Castle. In the vicissitudes of the war, the Dutch, in 1673, re-conquered their North river possessions; but only to be, the next year, again surrendered and confirmed by treaty to the English. And now the Anglo-Saxon dominion upon the Atlantic coast was unbroken from the St. Croix to Florida.

The westward limit of the Duke of York's grant was the Delaware river. New Jersey he granted to two favorites, Lord John Berkely and Sir George Carteret, two of the proprietaries of the Carolinas. New York he kept for himself, retaining with it his conquests on the western shore of the Delaware; which henceforth, while he held them, were governed by deputy governors, resident at New Castle.

We are now ready to introduce the last great actor in this complicated boundary drama,—the immortal founder of Pennsylvania, *William Penn*. Assuming that our readers are familiar with his history and character, we will not pall them by any attempt at their rehearsal. Our subject is not a life, but a line. It sufficeth us here to know that, within five or six years before his purchase

of Pennsylvania, he had become deeply interested in the ownership and settlement of West Jersey, and of East Jersey, too. This turned his attention to the yet ungranted territory lying directly west of New Jersey, and of which he had a "goodly report." Benevolence rather than ambition impelled him to its acquisition.

Except Georgia, which was founded so late as 1732, Pennsylvania was the last of the old thirteen British colonies to derive its charter from the crown. It is the only one also whose territory is not touched by the briny waters of the Atlantic. At the date of her title, all the sea coast claimed by England had been "taken up," and she was forced to take an inland position,—not a bad one, however, but one with which her proprietary grantee was at first greatly dissatisfied, and for which to provide a remedy, as he supposed, he was led into the controversy with Maryland, which we are now soon to consider.

The ostensible consideration of the grant of Pennsylvania to William Penn, was a debt for services and of gratitude to his father, Admiral Penn. But the son was not the less careful about the terms of his charter, because it was given in payment of an old debt. It would be insulting his intelligence, to doubt his full and accurate knowledge of all the grants of English territory in America, which we have noticed in this sketch,—their limits and their derivations. It is in evidence, upon most indisputable authority—nay, admitted, that when he petitioned for a grant of territory, in 1680, it was to lie west of the Delaware *river* and north of Maryland. It is also admitted that Lord Baltimore's charter was the model used by Penn, who himself drafted his charter for Pennsylvania. He thus had express notice that Maryland reached to the Delaware Bay, and took in all the land abutting thereon "which lieth under the fortieth degree of north latitude, where New England terminates." He thereby knew, or was bound to know, that New England did not terminate at any fractional part of the fortieth degree, nor at line 39°, its southern confine. For, a degree of latitude is not an indivisible line, but a definite space, or belt, upon the earth's surface, of 69½ statute miles. Nothing short of the northern confine of the fortieth degree would give to Old Virginia her complement of two hundred miles north of Old Point Comfort. And the New England grant was "*from* the fortieth degree, &c."

Great precaution and formality were used in acting upon Penn's charter. It was held up under consideration for nine months. The petition and original draft of the charter are not extant. It

is known that the latter had to undergo many modifications. When presented to the king, they were referred to the Duke of York's secretary and Lord Baltimore's agents, in order "that they might report how far the petitioners' pretensions may *consist with their boundaries.*" Both agreed to his proposals, provided his patent might be so worded as not to affect their rights. The Duke's commissioners insisted that *Penn's southern line should run at least twenty miles northward of New Castle.* At length the boundaries were adjusted so as to please all parties. And, after the articles had passed the scrutiny and emendations of the Bishop of London and Lord Chief Justice North, who shaped their church and governmental franchises, so as to eschew the "undue liberties" which had been granted to Massachusetts and to Maryland, the charter was approved by the Lords of Trade and Plantations, and prepared for the king's allowance. Penn's success depended upon concession and conciliation: resistance or pertinacity would have endangered all. And yet he obtained a wonderfully liberal grant, both of power and territory.

On the 4th of March, 1681, King Charles II. granted unto "our trusty and well beloved subject, William Penn, *Esquire*," the territory of Pennsylvania, [Penn's Woods,] by metes and bounds, as follows, viz:

"All that tract, or part of land in America, with the islands therein contained, as the same is *bounded on the east by Delaware river, from twelve miles northward of New Castle town*, unto the three and fortieth degree of north latitude, if said river doth extend so far northward, but if not, then by a meridian line from the head of said river to said forty-third degree. The said land *to extend westward five degrees in longitude*, to be computed from said eastern bounds. And the said lands to be bounded on the north by the *beginning* of the three and fortieth degree of northern latitude, and *on the south by a circle drawn at twelve miles distance from New Castle, northward and westward unto the beginning of the fortieth degree of northern latitude*, and then by a *straight line westward* to the limits of longitude above mentioned."

The partisan advocates of Penn's pretensions contend that this grant gave to Pennsylvania *three* degrees of latitude upon the Delaware, minus the circular-headed abscission around New Castle—that by the "*beginning*" of the fortieth degree, "*unto*" which the *circular* line, drawn at twelve miles distance *northward and westward* from New Castle, was to reach, was the *southern beginning* of that degree. The absurdity of this construction, when *applied to the*

parallels of latitude as they now are, is apparent. By no geometrical use of the terms can a circle of twelve miles radius from New Castle reach *either beginning* of the fortieth degree, much less its *southern* confine, which is nearly fifty miles distant. Moreover, the circle was to come "*unto*" it by being drawn "*northward and westward.*" The moment it began to go *southward and eastward* it must stop, and *there* the "straight line westward" must begin.

We cannot find that William Penn himself ever asserted this absurd pretence; or, that he was to have *three degrees* of latitude, though his sons and their apologists did assert it most strenuously. The nearest that *he* ever came to it was to say that he petitioned for *five degrees* of latitude, [evidently from 40° to 45°, the old northern limit of the North Virginia Company,] but when before the Board of Plantations, watching, not urging, his petition, "the Lord President turned to me and said, 'Mr. Penn, will not *three* degrees serve your turn?' 'I answered,' says he, 'I submit both the *what* and *how* to the honorable Board.'" He admits also that this inquiry was prompted by its being urged that Lord Baltimore had but *two* degrees, which must have meant, from 38° to 40°; for 38° being fixed in his patent, by *natural* marks, if Maryland must stop at 39°—the southern beginning of the fortieth degree, then she would have but *one* degree.

We may as well now disclose that *latent* ambiguity which lurks in Lord Baltimore's patent, but which becomes a *patent* one in William Penn's. *Where, upon the ground, in* 1632, *and in* 1680, *was that artificial line, marked* "40°," *believed to be located?* The answer to this question solves all the difficulty.

The knowledge of American geography, in those days, was very imperfect. It extended little beyond the great headlands, bays and rivers, which varied the outline of the Atlantic coast, and its immediate contiguities. But the high contracting parties, who dealt in conveyances which covered a continent, assumed that they knew all about it; and that capes, rivers, bays, islands and towns, must conform to distances in miles and in degrees of latitude. They were less precise in their use of terms which were to define the boundaries of independent sovereignties, than are people now-a-days in describing a town lot. The consequences of this heediness and heedlessness were conflicting grants and angry conflicts, memorable instances of which are now before us.

The only authoritative map, in 1632, of the localities upon which this strife grew, was that of the renowned Captain Smith, already referred to. And it would seem that some of the errors upon its

face were continued down to 1681. It is very certain that one of them was. By that map, *the transit of line* 40° *across the Delaware was fixed about*—a little below—*where New Castle is.* Penn says it was at Boles' Isle—but where that is we do not know. Others fixed it at the *head of the bay*—but that is very indefinite; for where the river ends and the bay begins is not agreed. Penn puts the bay thirty miles below New Castle: if so, his circular line could never attain "unto" it. Line 38°, the northern confine of the first South Virginia grant, was correctly fixed on Watkins' Point. The shortenings were between that and New Castle. The effect of this error—besides eighty years of angry strife—was to contract Maryland, and, as we shall see, correspondingly to widen Pennsylvania.

We have seen that the Duke of York insisted at first that Penn's southern line should be *twenty miles* north of New Castle. This was to keep clear of his Swedo-Dutch dominions. But, inasmuch as that would leave an indefinite ungranted vacancy north of 40°, the circle was introduced, and the radius shortened to *twelve miles*, so as thereby, by a "northward and westward" sweep, and without coming any nearer the Delaware, to reach the "beginning of the fortieth degree," and leave no vacancy.

This collation of the facts and terms of the two grants solves all the mystery which hung around them for a century. It undoes the sophistry which claimed for Pennsylvania *three degrees* of latitude. The sophism consisted in assuming that as Penn's northern confine was to be line 42°—the southern beginning of the forty-third degree, therefore, as the same words were used, his southern limit must be line 39°—the southern beginning of the fortieth degree. But Penn must be considered as standing between these two confines; reaching with one hand to the southern beginning of the former degree, and with the other to the northern beginning of the latter. It matters not that, upon maps and globes, the degrees are numbered from the equator northward, so that 39° is the beginning of the fortieth degree. Reverse the direction, and 40° is its beginning; just as in surveying, the line which is north 39° east, is, when reversed, south 39° west.[5] In our next chapter

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[5] We adopt this view of the case with some hesitancy—not because we doubt its correctness, but because it stands opposed to the construction given to Penn's charter by nearly all the writers upon it whom we have consulted. Of these are *Proud*, (History of Pennsylvania,) *Bancroft*, (History United States, vol. ii. p. 362,) *N. B. Craig*, (1 Olden Time,) *Darby*, (History of Pennsylvania,) not to mention the sons of *Penn*, their agents, attorneys and Governors, in the controversies with Maryland and Virginia. The late *James Dunlop, Esq.*, in his "Treatise upon Mason and Dixon's Line," (1 Olden

we will see, with complacent wonder, what mighty leverage there was in this pretence to give to Pennsylvania a most important addition to her western territory.

But we are getting into the strife before all the elements which engendered it are brought into action. We return to our narrative.

Penn was a favorite, but not a courtier, at the court of the Stuarts. Uprightness and benevolence can commend their possessors to influence, even with the most dissolute. Penn had laudable purposes—to his sect and his colony—to accomplish, by his complacency. That he was thrice imprisoned for conscience sake, and thrice discharged without guilt, is his triple shield against all the darts of envy and abuse which his traducers, from Oldmixon to Macaulay, have hurled against him.[6] His very innocency led him to boast of his influence. In the careless lapse of years which intervened from the Duke's conquest to Penn's proprietorship of Pennsylvania, some tenantry of Lord Baltimore had settled upon the western shore of the Delaware, within his chartered limits. Penn, ere he had visited the localities, was led to believe they were upon his territory. In September, 1681, he wrote them a friendly general letter, warning them "to pay no more taxes or assessments

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Time, 530,) alone sustains our view, and he but scouts at the popular construction. We adopted it at first impression ourself; but research and reflection compelled us to the opinion we here, and elsewhere in this and the next chapter, enunciate. There is no disloyalty in it; for we consider it more to the honor of Pennsylvania and her illustrious founder, than the opposite construction. Why put him in the awkward predicament of wilfully overlapping a degree of Lord Baltimore's grant, when there is no need for it? and if he and his successors gained for Pennsylvania more territory than they contracted for, and gained it honestly, so much the better for them, and us who enjoy it.

[6] "From his early youth to old age, he was a man of mark, and lived constantly in the eye of the public; surrounded by enemies ever ready to put the worst construction upon his conduct. He went through the furnace without the smell of fire upon his garments; and left behind him a character for moral virtue upon which malice itself could fix no stain. * * * * That he was not habitually honest and upright is a historical proposition as absurd as it would be to say that Julius Cæsar was a coward, that Virgil had no poetic genius, or that Cicero could not speak Latin. Nay, he was something more than an honest man. He was a philanthropist, who gave all he had and all he was, time, talents and fortune, to the service of mankind. The heir of a large estate, the founder of the greatest city in North America, the sole owner of more than forty thousand square miles of land, he never spent a shilling in any vicious extravagance; but his large-handed charities so exhausted his income, that in his old age he was imprisoned for debt. He had the unlimited confidence of a monarch whose favor an unscrupulous man would have coined into countless heaps of gold; but he left the court with his hands empty; and whosoever says they were not clean as well as empty, knows not whereof he affirms."—*Judge Black's Address at Pennsylvania College, Gettysburg, September*, 1856

by any order or law of Maryland; for if you do it will be greatly to your own wrong and my prejudice; *though I am not conscious to myself of such an insufficiency of power here with my superiors, as not to be able to weather the difficulty if you should.*" This kind monition and harmless boast was the letting out of the water of strife—partisans rallied to their leaders—the contest was begun.

When Penn's trusty kinsman, Markham, had landed his first emigrant party at Upland, his early care, under instructions from the king and the proprietor, was to confer with Lord Baltimore upon the interesting question of boundary. They met in the spring of 1682, and then first discovered, from a careful astronomical observation, what neither before knew, that the true line of 40° was above the mouth of the Schuylkill. Lord Baltimore's eye dilated—Markham's fell. What was to be done? They parted in peace; and Markham reports the annoying discovery to Penn, in London.

Penn had wished and believed that his colony would take in the head of the Chesapeake, and be far enough down on the Delaware not to be locked up by ice and enemies. This discovery frosted his expectations, but did not freeze his energies. The Duke of York was his friend, and his West Delaware dependencies would give the desired outlet in that direction. True, the Duke had no title from the crown, and Baltimore had. But the Duke had possession. It was power against parchment; and Penn wisely concluded that power would prevail. A glimmer of right broke forth from the smouldering ruins of Swaanendael, which diffused itself all along the shore from the false Cape of Henlopen to the mouth of Christiana. Penn rejoiced in its light. He importuned the Duke to convey to him these unproductive possessions. The Duke yielded; and by two deeds, in August, 1682, invested Penn with all his titles to twelve miles around New Castle, and to all the coast below that to Henlopen. And now it was parchment *and* possession against parchment and right, with power as the preponderant in the unequal balance. "Without adopting," says an impartial historian,[7] "the harsh censure of Chalmers, who maintains that this transaction reflected dishonor, both on the Duke of York and William Penn, we can hardly fail

[7] Sir James Grahame, of Scotland, whose "History of the Rise and Progress of the United States of North America, till the British Revolution in 1688,"—two volumes octavo,—is exceedingly satisfactory upon our colonial titles and boundaries, especially those of purely English derivation.

to regard it as a faulty and ambiguous proceeding, or to regret the proportions in which its attendant blame must be divided, between a prince distinguished even among the Stuarts for perfidy and injustice, and a patriarch renowned even among the Quakers for humanity and benevolence."

Thus panoplied, Penn made his first visit to his Delaware domains, with "twenty-six sail" of colonists, in the autumn of 1682. He landed at New Castle, and after receiving livery of seizin of his newly acquired "territories," and the homage of three thousand people, he repaired to Chester, (Upland,) which now was his capital; for as yet Philadelphia had no existence. After transacting some governmental affairs, and paying his respects to the Duke's governor at New York, he repaired to Maryland, to confer with Charles, Lord Baltimore, about boundaries. The interview was friendly, but formal. It resulted in nothing, except to disclose more of the grounds of Penn's claim. One was, that Lord Baltimore's two degrees were to consist of sixty miles each:—another, that being to have only lands[8] "not yet cultivated or planted," [in 1632,]—*hactenus terra inculta*,—Delaware did not pass, for that it had been bought and planted by the Dutch; "but if it did, it was forfeited, for not reducing it during twenty years, under the English sovereignty, of which he held it, but was at last reduced by the king, and therefore his to give as he pleaseth." His lordship answered, "I stand on my patent." At a subsequent interview at New Castle, Penn offered to stand to the 40th line, provided Lord Baltimore would sell him some territory south of it on the Chesapeake, "at a gentlemanly price—so much per mile," in case he could not get it by latitude, so as to have a "*back port*" to Pennsylvania. His lordship offered to barter some territory in that direction, for the "three lower counties" on Delaware Bay. "This," says Penn, "I presume he knew I would not do, *for his Royal Highness had the one-half*, and I did not prize the thing I desired at such a rate." But his lordship was inexorable, and

[8] It is strange that Penn was not afraid to hazard the use of this pretense, for the very same words are in the preamble of his own charter; and the Delaware front of his grant, had, long before, been settled by Swedes, Dutch and English. He seems to have been aware of the frailty of his tenure; for, three days before he got his deeds for the "territories," he procured a release from the Duke of York of all his title to Pennsylvania. But if prior settlement rendered the grant *void*, the release could give it no validity; especially as the Duke himself had no other title than by conquest.

here friendly negotiations were suspended for half a century.[9]

Lord Baltimore now assumed offensive attitudes. He first made forcible entry upon Penn's territories. His next resort was to the king. The matter was referred to the Lords Committee of Trade and Plantations, before whom both parties appeared. Pending the hearings, Charles II. died, and the Duke of York ascended the throne as James II. To him the committee reported in November, 1685. As might have been expected, the decision was against Lord Baltimore. It, however, decided but one of the questions at issue—the rights of the parties upon the Delaware Bay; leaving them still to find the "40th degree" as best they could. The order of the king in council, based upon the report, was, that that part of the Chesapeake and Delaware peninsula which is between the latitude of Cape Henlopen and 40°, be divided by a right line into two equal parts: that the eastern half should "belong to his Majesty,[10] (viz: to King James, who granted it to William Penn, when Duke of York,) and the other half remain to the Lord Baltimore, as comprised in his charter." Thus was Maryland dismembered. The little State, cradled at Swaanendael, could now "stand alone."

Except an ineffectual order from Queen Anne, in 1708, to enforce this decision, nothing was done under it. Both ends of the divisional line were in dispute, and until they were fixed, the execution of the orders in council was impracticable and useless. In the midst of these and other troubles, harassed by debt and persecution, his colony mortgaged to money lenders, and half sold to Queen Anne, in 1718, William Penn died. His grave is in England, but his monument is in the system of laws upon which he founded the Commonwealth of Pennsylvania.[11] *Si monumentum quæris circumspice.*

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[9] Penn was here again in 1699–1701, and would doubtless have resumed, perhaps consummated, the negotiations; but he had no one to treat with—Lord Baltimore's province and government being then in the hands of a deputy of William of Orange, who had no love for any abettor of James II., as Penn himself had been made to feel.

[10] This, and Penn's admission to Lord Baltimore, in November, 1682, that his "Royal Highness had the *one half*" of the three lower counties—although Penn had absolute deeds from him for them—throws a cloud over the impartiality of that adjudication; and raises a suspicion that favor and interest had more to do with it than the *terra inculta* pretence upon which it was based.

[11] "With one consent the wise and the learned of all nations have agreed, that, as a lawgiver, he was the greatest that ever founded a State, in ancient or modern

Penn was almost as unfortunate in his will as in his charter; for it too gave rise to contention, as to whom his proprietary estates now belonged. After some ten years of doubt, it was finally settled that they went to his three sons, John, Thomas and Richard; the last named being a minor until 1732. All that was done relating to the strife, during this abeyance, was an agreement with Baltimore, by their mother and the mortgagees, in February, 1723, to keep the peace for eighteen months. In the meantime, the proprietorship of Maryland had descended to Charles Calvert, the second of that name, great grandson of the first proprietor.

A better spirit seems now to have actuated the parties. The Protestant succession was firmly fixed on the British throne; with whom, thus far, the Catholic proprietor had met with no more favor than from the Stuarts. The growing strifes along the borders were expensive, and retarded improvements. Policy, interest, and, we suppose, inclination, all called for a compromise; and as soon as Richard Penn was out of his minority, the call was responded to. Having procured from America a map of the localities, regarded as authentic, they, on the 10th of May, 1732, enter into a long agreement—covering ten or twelve closely written pages, by which they provide for the final adjustment of all their disputed boundaries. Its most remarkable features are, that it adopts the order in council of 1685, halving the peninsula; and supersedes all reference to 40°, or the 40th degree, by resort to fixed landmarks. The boundaries provided for by this important agreement, *being those which subsist to this day*, were to be ascertained as follows:

First. The map of the localities, printed upon the margin of the agreement, is that by which it is to be explained and understood. *Second.* Run a circular line at twelve English statute miles distance from New Castle, northward and westward. *Third.* Go down to Cape Henlopen, "which lieth south of Cape Cornelius," and, from its ocean point, measure a due west line to Chesapeake Bay; find its middle point, and plant a corner there.

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times. He was not the very foremost, but he was among the foremost to disclaim all power of coercion over the conscience. This alone, if he had done nothing else, would mark the tallness of his intellectual stature. For, when the light of a new truth is dawning upon the world, its earliest rays are always shed upon the loftiest minds. * * * His name is inscribed upon this mighty Commonwealth. Day by day it rises higher and stands more firmly on its broad foundation; and there it will stand forever—*sacred to the memory of William Penn.*" *Judge Black's Address*, cited in note 6.

Fourth. From said middle point run a line northward, up the peninsula, so as to be a tangent line to the periphery of the circle, at or near its western verge; and mark the tangent point. *Fifth.* From said tangent point run a line *due north* until it comes to a point fifteen English statute miles south of the latitude of the most southern part of the city of Philadelphia, and there plant another corner. *Sixth.* From that fifteen mile point, run a line due west, across the Susquehanna, &c., to the utmost longitude of Pennsylvania. *Seventh.* That the red ink lines then drawn upon the map indicate the boundaries agreed upon: and, *Eighth.* That those lines when run and marked shall be the boundaries of the parties forever: *provided*, that if the due north line from the tangent point shall cut off a segment of the circle to the west, it shall belong to New Castle county.

The agreement then embodies mutual releases from each party to the other, of such portions of their *chartered* territories as were now relinquished, A joint commission to run and mark the lines is then provided for; the commissioners to begin their work in October, 1732, and complete it by Christmas, 1733. Default in continued punctual attendance by those of either party, so as to delay its consummation beyond the appointed time, was to avoid the agreement and work a forfeiture to the other party of £5000.

Commissioners to run and mark the lines were duly appointed. They met at New Castle, and began and ended in fruitless contention. Lord Baltimore's commissioners contended that the "twelve miles distance," at which the circular line was to run from New Castle, meant its periphery, not its radius; and that the Cape Henlopen intended was the upper cape, opposite Cape May, the agreement to the contrary notwithstanding. Thereupon, the Penn commissioners happening to come one day a few minutes behind time, the Marylanders declared the penalty forfeited and the agreement avoided. "And now," says an excellent Maryland writer upon this subject,[12] "Lord Baltimore did what neither improved his cause nor bettered his reputation. Treating his own deed as a nullity, he asked George II. for a confirmatory grant according to the terms of the charter of 1632. It was very properly refused, and the parties were referred to the Court of Chancery.

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[12] John H. B. Latrobe, Esq., of Baltimore, whose lecture upon Mason and Dixon's Line, read before the Pennsylvania Historical Society, November, 1854, is a model of lucid and concise narration, as well as of eloquent and appropriate comment.

And here Lord Hardwicke decided in effect[13] that the true Henlopen was the point insisted on by the Penns; that the centre of the circle was the middle of New Castle, as near as it could be ascertained; and that the twelve miles were a radius, and not the periphery. This was in 1750. Other difficulties now arose. It was important to Lord Baltimore, if possible, to shorten the statute mile; and the mode his friends proposed was to measure it on the surface of the ground, and not horizontally. So Lord Hardwicke was again applied to, and horizontal measurements were ordered. This was in March, 1751. Still things were not clear. The shorter the line across the peninsula—its beginning on the Delaware side being fixed—the better for Lord Baltimore, for the nearer would the centre of it be to the ocean. And so here, again, his friends came to his aid, and insisted that Slaughter's creek—a channel separating Taylor's Island from the Chesapeake, gave the western terminus. But the Penns demanded that the line should be continued to the bay shore itself, from which the broad waters of the great estuary stretched, unbroken by headland or island, to the remote and dim horizon. And again was Lord Hardwicke referred to. But, in the mean time, Lord Baltimore died, and the suit abated. When it was revived, and the heir [Frederick] of Lord Baltimore was made a party, he refused to be bound by the acts of his ancestor. If, however, there was any thing that could equal the faculties of the Marylanders in making trouble, it was the untiring perseverance with which the Penns devoted themselves to the contest, and followed their opponents in all their doublings. And they had their reward."

It was in 1735 that the Penns called his refractory lordship before the High Chancellor. Sir William Murray, afterwards Lord Mansfield, was their counsel. The bill prayed specific performance of the agreement of 1732. Baltimore resisted its execution on the common ground of weak causes—fraud, and ignorance of his rights; choosing rather to be considered a fool than a knave. But the Chancellor reversed his position.

Pending this tedious judicial controversy, events of stirring interest occurred along the border, especially in the Susquehanna neighborhood. Lord Baltimore had in 1682–'3, for some purpose, run a due east line from about the mouth of Octorora creek to the

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[13] *Penn vs. Lord Baltimore.* 1 Vesey, Sr., 444, and supplement.

Delaware, which is several miles south of the agreed line.[14] Thinking he meant this for his northern limit, Pennsylvania settlers had crowded down pretty close to that line, especially the Nottingham settlement, one of the oldest in Chester county. On the other hand, ere the precise import of the agreement of 1732 was known here, Governor Gordon, of Pennsylvania, had inadvertently given countenance to the idea that, west of the Susquehanna, Maryland was to go up to the true 40°, as compensation for the loss of Delaware. But long before this, as early as 1722, Marylanders had begun to "squat" all along up the western shore of that river, even far above 40°. In 1730, the famous Col. Thomas Cresap[15]

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[14] In the map printed on the margin of the agreement of 1732, (see copy prefixed to 4 Pa. Archives,) the head of Elk is put above New Castle, and the due east and west line from the corner, fifteen miles south of Philadelphia, crosses the Susquehanna at the mouth of Octorora. And it was proven that Lord Baltimore put that line on the map himself in red ink. Blood flowed from the blunder.

[15] The life of this renowned personage is a romance of realities. He was the father of Captain Michael Cresap, of Logan's speech celebrity, and elsewhere noticed in these sketches. The Colonel was an Englishman—came to this country before Gen. Washington was born, but was an acquaintance of the family. Having espoused the quarrel of Lord Baltimore with the Penns, he became its champion on the Susquehanna frontier. After the temporary line was run, in 1739, he had to leave. Being an Indian trader, he transferred his establishment within the confines of Maryland, where he failed in business. Thereupon he removed to Skipton, now called Old Town, on the Maryland shore of the Potomac, nearly opposite the junction of the North and South branches. Here Washington was his guest in March, 1748, when out surveying for Lord Fairfax. He acquired a large landed estate here and on the South branch. He was one of the old Ohio Company, and the commissioner for locating Nemacolin's road, from Wills' creek to the Ohio river. We find him at Skipton, in 1750, largely in the Indian trade; and, true to his hate of the Pennites, seeking to excite against them the enmity of the Indians. To this end he sent them messages that the Pennsylvania traders always cheated them in all their dealings; and taking pity on them, he intended to use them better, and would sell them goods *at less than cost*, viz: "A match coat for a buck; a strowd for a buck and a doe; a pair of stockings for two raccoons; twelve bars of lead for a buck," &c. This story we have on the authority of Barnaby Curran, "a hired man of Mr. Parker's," and one of Washington's "servitors" in his mission to the French posts on the Allegheny, in 1753. Col. Cresap was a contractor for army supplies to Gen. Braddock, and was much censured for tardiness and selling musty flour. In the perilous times which ensued upon the defeat of that General, Cresap was generous, brave and energetic in his contributions to the frontier defence. He made a fort of his house by stockading it; raised and equipped a company, commanded by his son Thomas, and kept up the struggle to the last. He mixed himself up in the disputes between Lord Fairfax and Lord Baltimore, concerning the western boundary of Maryland; making a map of the localities, which is yet extant. Ever ready to annoy Pennsylvania, he lent all his influence in favor of Virginia in the boundary controversy of 1770–'74, as we will see in the next chapter. The last we hear of him is in January, 1775, as one of a Virginia committee to raise arms and supplies wherewith to begin the battles

took a position at the "Blue Rock" ferry, west of the Susquehanna, a little below Wrightsville, where he, for many years, was the head and front of the Maryland incursions and resistance. He became the right arm of Lord Baltimore and Governor Ogle in that quarter. He was licensed ferryman, surveyor, captain of the militia, &c. He built a fort, in and around which congregated some of the worst of "border ruffians." It was to counteract these encroachments that the manor of Springettsbury, in York county, of ten by twelve miles, beginning over against the mouth of Conestoga, was surveyed in 1722, giving birth to a dubious class of titles not yet wholly quieted. Many of the German palatines, which about this period flocked to Pennsylvania in hundreds, settled upon these lands. The Marylanders wheedled them to attorn to Lord Baltimore. Some complied; but, when they saw the trick, resumed their first allegiance. This incensed the Marylanders. They drove them off by armed force; and, under well guarded bands of surveyors, gave their lands to others. The Marylanders denominated the Pennites "quaking cowards;" and these retaliated by calling their assailants "hominy gentry." All sorts of outrages were perpetrated. Even the softer sex became furies in the strife. The deadly rifle told its aim on man and beast. The solemnities of sepulture became occasions for revenge; and rapine gloated in arrests and imprisonments. Fortunately for the peace of the two provinces, Governor Thomas Penn was at the helm in person. His policy was patience, under a confident hope of triumph in the august tribunal to which he and his brothers had appealed. Once only did he resort to magisterial redress. In a crisis of the conflict it became necessary to arrest Cresap on a charge of murder. The sheriff of Lancaster accomplished it by an armed *posse*, after firing his castle over his head. And while on his way to prison at Philadelphia, when in sight of the infant city, this compeer of Rob Roy Macgregor[16] said to his bailiffs, "This is a pretty *Maryland* town. I have been a troublesome fellow; but in this last affair I have done a notable job. For I have made a present of two

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of the American Revolution. His hospitality was as unlimited as was his resoluteness and hatred of Pennsylvania. Hence the Indians called him the Big Spoon. We gather these particulars from various sources, having never seen the narratives of his relative, John J. Jacob, and of Brantz Mayer.

[16] There is more in this allusion than may strike the reader at first blush; for Rob Roy was flourishing about the same time—maybe a little earlier—in his raids upon the dukedom of Montrose. See introduction to Scott's "Rob Roy."

provinces to the king; and if the people find themselves bettered by the change, they may thank Tom Cresap for it." The meaning of this gasconade is beyond conjecture. Madness measures its achievements by the monstrosity of its own excesses. The provinces were yet safe to their proprietors.

So rife and rampant had these border feuds become, that, in 1737, the king and council had to interfere; and, in 1738, the high parties litigant came to an agreement to stay their further progress. The expedient was a *temporary line*. They agreed that, until the cause was decided, they would conform their grants and pretensions to an east and west line; which, east of the Susquehanna, should be fifteen miles and *a quarter* south of the latitude of Philadelphia; and, west of that river, fourteen miles and three quarters south of the same latitude. The king ordered these lines to be run and marked, and it was done.[17] This was in 1739. The western end of the line was the summit of the Cove, or Kittatinny mountain, near the western limit of Franklin county, then the western extreme of the Indian purchase of 1736. This ended the forays. Cresap, who had been liberated and thereupon had pitched in again, now withdrew. His occupation there was gone. We will hear of him again in another quarter. He seems to have been "born *unto* trouble." And yet his love of mischief was no vulgar propensity. He sacrificed his own interests to appease his revenge, and exorcised personal quarrels that he might bring provinces within the circle of his sorcery.

We left the Lord Chancellor deliberating upon the length of the peninsular east and west line; and whether Frederick, Lord Baltimore, was bound by his father's agreement of 1732, or could overreach it by holding under deeds of family settlement made by more remote ancestors. Happily those deliberations were cut off by a compromise. For, on the 4th of July, 1760, the parties agree to celebrate their independence of judicial constraint by a new

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[17] See map, in 1 Pa. Arch. 594, 558, &c. It was while measuring down these 15¼ miles, from the latitude of South Philadelphia, that the first dispute sprung up about horizontal measurement. The Marylanders insisted upon superficial. Some of the Penn surveyors had been over the ground before, and *knew* that about 20 perches would compensate for the difference. With this knowledge they procured the Maryland commissioners to agree to allow 25! So common is it for even honest (?) men, when engaged in controversy, to take advantages, which, under other circumstances, they would scorn. This line, west of Susquehanna, was run *ex parte*—one of the Maryland commissioners having to go home, and the other not choosing to go on without him. It was, however, fairly run.

compact, or agreement, which was to end, and did end, all their controversies. The claims of the Penns were yielded to in every particular. The agreement of that date is an embodiment of the history of the dispute, and is a model of old fashioned artistic conveyancing, covering thirty-four closely printed octavo pages.[18] Substantially, it is but a recital of the old compromise of 1732, and of the events which had since occurred; and a full and absolute confirmation of that agreement, and assent to the judicial constructions which almost every part of it had received. Among its new provisions were stipulations by the parties respectively, that the Penns should confirm the titles of Lord Baltimore's grantees to lands *east* of the Susquehanna, any where *north* of the agreed line (fifteen miles south of the latitude of the southern limit of Philadelphia), but that *west* of that river such confirmation should extend only to lands within a quarter of a mile north of that line. On the other hand, Lord Baltimore was to confirm Penn's grants *west* of the Susquehanna, and *south* of the line indefinitely; but, east of that river, only to the extent of one quarter of a mile south of the agreed line; provided, in all cases, the lands were then (July 4, 1760,) in the "actual possession and occupation" of the grantees. This feature of the agreement has given rise to some litigation along the border.[19] The reader will remember that the *temporary line* of 1737–'9 had an offset of half a mile to the northward, at the Susquehanna; wherefore, is not disclosed. The agreement then provides for a speedy joint commission to determine, run out and mark all the lines between the parties, without let or hindrance; that the agreement itself shall be acknowledged and enrolled in chancery, and thereupon be humbly submitted to his Majesty in council, for his gracious allowance and approval. This done, the proprietories are at peace. Frederick, Lord Baltimore, goes upon a "tour to the east;" and

[18] It is the first document in 4 Pennsylvania Archives.

[19] See the Pennsylvania case of *Stigers vs. Thomas*, 5 Barr, 480; and again, in 11 Harris, 367, which originated in Fulton county, near Hancock, Maryland. The contest was between an old Maryland grant and survey, and a much younger Pennsylvania warrant, &c. In the first report of the case, the Maryland title prevailed, owing to an imperfect knowledge of the history of this dispute and of the agreement of 1760. In the meantime the publication, by Pennsylvania, of her Colonial Records and Archives, disclosed all the details of the strife, and the agreement itself. Eventually the Pennsylvania title triumphed. Judge Lowrie, in delivering the opinion of the court in the last case, inadvertently says the disputed territory was only half a mile wide. This is an error. It had a width of more than twenty miles.

the Penns remain in London to protect their private and provincial interests.

Before we proceed to run and mark the lines, let us pause a moment to take an account of the loss and gain of the parties, in the results of this long and perplexing controversy. Was the agreement of 1760, and its prototype of 1732, a compromise—a mutual concession of conflicting pretensions; or was it wholly a surrender by one party to the other?

Maryland lost what is now the State of Delaware, that is certain; and, as we think, she was thereby unjustly shorn of her fair proportions. But that Calvert's loss was Penn's gain, is not so certain. He sought "water," but obtained gall—the bitterness of strife. He asked an outlet to the ocean for his "too backward lying province," and there was opened unto him and his sons an inlet to a sea of troubles. He purchased the Duke's appanage to New York, to make it an appendage to Pennsylvania; but, ere his title to it was settled, it set up for itself; and when the American colonies broke the bands of British dependence, it too became an independent State.[20] And so Delaware was lost to Pennsylvania. The judicious Scottish historian of our early settlements, already quoted, regards the loss of Delaware to Lord Baltimore as a retribution for his encroachment upon Virginia. May not the same punitive Providence be again traced in its ultimate severance from a State, all whose other foundations were in righteousness and peace?

We have before said that the consequence to Lord Baltimore, of the misplacement of the fortieth line of north latitude, in the maps of the Chesapeake and Delaware region, current at the date

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[20] From 1682 to 1691, Delaware was, for all practical purposes, a part of Pennsylvania, each having the same charters of privileges, the same general laws, the same Governor and Assembly—in which each was equally represented; each having three counties—New Castle, Kent and Sussex, and Philadelphia, Bucks and Chester. In 1691, when Penn came under the ban of King William, Delaware affected to become jealous of Pennsylvania; and, although uniting in the same Assembly, had a separate Governor. In 1704, she set up a separate Assembly, under the same Governor. From 1755 to the Revolution, in 1776, she had both a separate Governor and Assembly; and in '76, became a State. She was always an undutiful child to the Penns; and had she only thought so, would no doubt have been as well cared for by Maryland—to which she naturally and rightfully belongs—as she ever was by the Penns, or by herself. But, *one* member *and two Senators*, in Congress, are no mean privileges, to a representative population—free and slave, of 91,000, when the ratio for *one* Representative is 93,420! But who complains? She has given us some great men, and *may* yet become the balance wheel of the Confederacy.

of his charter, was, to have the northern confines of his province considerably restricted. Had the calls of his patent been fully answered, the Quaker City would inevitably have become, what Cresap called it, a "pretty Maryland town." On the other hand, had his lordship been forced down fully to the line 40°, as it stood in 1632, and, indeed, until his and Markham's discovery in 1682, Maryland would have been cut in twain in the region of Hancock, and Western Maryland would have lain so far "backward" as to be wholly inaccessible to its proprietor by either land or "water." If Penn had the advantage of Calvert in the misplaced position of 40° in 1632, the latter had an available set-off in the requirement of Penn's patent of 1681, that the circular part of his boundary should reach the "*beginning* of the fortieth degree," by a northward and westward course. Here, then, was a most inviting call to compromise, which would doubtless have been much sooner responded to, had it not been for the successive disabilities, of Lord Baltimore's privation of his province by William and Mary, from 1692 to 1716, Penn's death in 1718, and the disputes as to his successors in the proprietorship, and the minority of one of them, until 1732. In this year, as we have seen, a compromise was agreed upon, which relieved both parties. Philadelphia was kept at the neighborly distance of fifteen miles from Maryland; and Lord Baltimore preserved a lane, of about a mile wide, at Hancock, for access to his iron and coal fields—then unknown and valueless—in the west. By this agreement, therefore, Maryland gave up not only her Delaware domain north of Henlopen—which was in effect taken from her by the royal order in council of 1685—but also a parallelogram of about nineteen and a quarter miles wide on her northern confines, extending from New Castle county to the "meridian of the first fountain of the Potomac." This alone exceeds one-third of her entire present area, territorial and aqueous. With Delaware added, it exceeds one-half. So Maryland has been largely the loser in this game of boundary. She is, however, quite a respectable sovereignty yet.

But how has Pennsylvania fared in the play upon 40°? Evidently she has gained the parallelogram which Maryland lost; thereby restricting Lord Baltimore's two degrees of latitude to about sixty miles each,—"geographical," instead of "statute" degrees, as Penn wanted them to be in 1682. But she has also widened her own two degrees to about seventy-nine miles each. For in the adjustment of her northern boundary with New York, in 1774, and again in 1785, the true 42°—the "beginning of the forty-third

degree," was adopted; without any effort on the part of our northern neighbor to push us down to where that line of latitude was put in 1681—if indeed it had any location at that period. No hint was given or taken of the old misplacement of 40°; and thus Pennsylvania was allowed to hold, on the north, by the rule which Maryland sought in vain to enforce against her on the south. The value of this item of fortunate territorial expansion by Pennsylvania, is greatly enhanced by the access to Lake Erie which was thereby obtained. But for this, the Erie triangle[21] would probably never have been a purchasable annexation to our chartered territory. Thus far, therefore, Pennsylvania has been largely the gainer by her boundary troubles. The loss of Delaware has been more than compensated. In our next chapter, we will see that her good fortune, or superior diplomacy, attended her to the last. To one, or both, of these influences do we of much of south-western Pennsylvania owe it that we are not now Marylanders or Virginians.

Although not within the scope of these sketches, we are tempted here briefly to notice the boundary controversy with Connecticut, which Pennsylvania had to sustain from 1760 to 1782.[22] It intervened to postpone the settlement of our northern limits for more than ten years from the time it was undertaken, in 1774, and until rival colonies had become changed to fraternal States.

The grant of Connecticut to Lords Say and Seal, and others, in

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[21] The Erie triangle was within the chartered limits of Massachusetts, which claimed three-quarters of a degree of New York, immediately north of 42°. New York held it, we believe, under a purchase from, and alliance with, the Six Nations of Indians. Both having ceded their western territory to the United States—New York in 1782, and Massachusetts in 1784—the relative strength of their titles became an unimportant inquiry. The New York cession was of all west of a due north line from the northern boundary of Pennsylvania, through the extreme west end of Lake Ontario, or twenty miles west of Niagara river, to north latitude 45°—thus taking in a considerable portion of Canada, to which her title proved *rather* unavailable. Pennsylvania first bought the triangle from the Indians, in 1789, for £1200, and then in 1792 from the United States for $151,640.25, continental certificates. This was done to get at the harbor of Presq'isle, at Erie, upon which the United States have since expended more than they got for it. The triangle contains 202,187 acres. See its history by Judge Huston in *M'Call vs. Coover*, 4 Watts and Sergeant's Reports, 151–164; and see 1 *Olden Time*, 557.

[22] The *controversy* lasted much longer in litigation and legislation, but this year ended the *boundary* part of it. See *Huston's* Land Titles, 14; 4 *Journals of Congress*, (1782) 129–140; 4 *Pennsylvania Archives*, 679, &c., and other volumes, and *Colonial Records*, passim—indexed—*Connecticut* and *Wyoming; Day's* Historical Collections of Pennsylvania, "Luzerne County," and authors there referred to.

1631, by the New England Company, reached from the Atlantic to the Pacific, or "South Sea;" but, like its parent grant, there was excepted out of it any territory then in possession of any other Christian prince or State. This let in New York and New Jersey between her present western limits and the Delaware. So it was determined by a Board of King's Commissioners, in October, 1664. But Connecticut reserved her claims west of the Delaware, thereby covering nearly all the forty-second, or most northern degree of latitude, which is within the subsequently chartered limits of Pennsylvania, and extending westward indefinitely.[23] It is said that, when Penn's grant was pending, he had notice of this claim of Connecticut, but that the king and he gave no heed to it, upon the ground that eighty years of neglect to people or possess it, was to be considered as an abandonment. About 1753 Connecticut began to reassert her claim, and sent settlers into the Wyoming valley. Within the ensuing twenty years the Connecticut settlements upon the east, or north branch of the Susquehanna, became numerous and formidable. Their descendants and enterprise are there yet. Pennsylvania regarded these intrusions upon her territory with a jealous and angry eye. Conflicts ensued, personal, military, legal and judicial. Blood and treasure were freely expended. Our later colonial and early State annals, as well as our law books, are full of the controversy. At length, in 1782, under the old articles of confederation, the dispute was referred for settlement to a committee of Congress, who sat as a court at Trenton, New Jersey, in the fall of that year. The parties were fully heard by their proofs and counsel. Connecticut relied upon her ancient parchments. Pennsylvania planted herself upon the laches of Connecticut, upon her own charter of 1681, and upon a score or more of Indian deeds to the Penns.[24] It was contended that the royal grants gave but a pre-emption right; that the natives were the true proprietors; and, as the Penns had the Indian titles,

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[23] Connecticut, in 1786, ceded all her western territory, north of 41°, and west of a due north line, one hundred and twenty miles west of the western boundary of Pennsylvania, to the United States. Her "Western Reserve," in the north-east corner of Ohio, was the one hundred and twenty miles westward of Pennsylvania, north of 41° nearly. In 1800, the United States offered to give her the *soil*, or the proceeds of sales, of this *Reserve*, she surrendering the *jurisdiction*, which was agreed to.

[24] Connecticut had an Indian deed, also, obtained by one Lydius at Albany, in 1754; but it was pronounced surreptitious, illegal and fraudulent. It does not appear that it was relied on at the trial.

to which the commonwealth had succeeded,—by tacking these to the charter, the old abandoned pre-emption grant to Connecticut was "crushed out." The court so held. Its decision was unanimous in favor of Pennsylvania—the ever successful Pennsylvania, in all her boundary controversies. The way was now clear to fix and run a definitive line between Pennsylvania and New York; and it was done, in 1785–'6–'7, upon the line of north latitude 42°. We return now, from this digression, to run our lines with Maryland.

Eight years of almost uninterrupted labor were expended in running, measuring and marking these troublesome lines; and even then *our* line was left unfinished. For, except around New Castle, and thence to the Susquehanna, the territories they traversed were dense forests, deep swamps and water courses, or rugged mountains; inhabited only by venomous reptiles and beasts of prey, with here and there the adventurous pioneer and roving Indian. Nor was geometrical science then the perfection that it now is. Its progress, if not so noisy as has been the march of material improvement over these then dreary wastes, has been not the less sure and surpassing. In those days accuracy was a rare achievement; and, when its closest possible approximation was demanded, much time and experiment had to be disbursed. The delays were, therefore, wrought by real difficulties.

The commissioners on the part of each province having been duly appointed, and their surveyors selected, they met at New Castle, in November, 1760, and addressed themselves to their task in earnest. They worked with unwonted harmony. Indeed, so specific, upon every department of their labors, had been the decrees and agreements, that there was no longer even a loop hole through which either party could evade compliance. All that remained was to measure and mark the lines, as commanded. The commissioners were seven for each proprietary,[25] three of whom together were competent to act. The Penn surveyors at first

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[25] On the part of the Penns they were *Governor James Hamilton*, *Richard Peters*, member and Secretary of Council; *Rev. John Ewing*, *D. D.*, afterwards Provost of the University of Pennsylvania; *William Allen*, Chief Justice; *Wm. Coleman*, then a Justice; *Thomas Willing*, afterwards a Justice, and *Benjamin Chew*, afterwards Chief Justice of the Supreme Court. *Edward Shippen*, *Jr.*, Prothonotary of the Supreme Court, was also a member of the Board part of the time. The Maryland gentlemen were Governor Horatio Sharpe, J. Ridout, Jno. Leeds, Jno. Barclay, Geo. Stewart, Dan. of St. Thos. Jenifer, and J. Beale Boardley. The commissioners seem to have entrusted the line, west of the Susquehanna, entirely to the surveyors.

chosen were John Lukens,[26] afterwards Surveyor General of the Commonwealth, and Archibald M'Clean, of York, eldest brother of the late Col. Alexander M'Clean, of Fayette. Two others were named, but never acted. Those of Maryland were John F. A. Priggs and Jonathan Hall.

The peninsular line, from Henlopen to the Chesapeake, was the only one which had been run under Lord Hardwicke's decree of 1750. This had been agreed to be correctly run and measured, and its middle point fixed at thirty-four miles three hundred and nine perches.[27] It had also been agreed that the court house in New Castle should be the centre of the circle. Upon these data the surveyors proceed. Numerous "vistas" had to be cleared through the forests and morasses of the peninsula. Three years were diligently devoted to finding the bearing of the western line of Delaware, so as to make it a tangent to the circle, at the end of a twelve mile radius; and a close approximation only was then attained. The instruments and appliances employed seem to have been those commonly used by surveyors.

The proprietors, residing in or near London, grew weary of this slow progress, which, perhaps, they set down to the incompetency of their artists. To this groundless suspicion we owe their supersedure, and the introduction of the men, *Mason* and *Dixon*, who, unwittingly, have immortalized their memory in the name of the principal line which had yet to be run.

~~Jeremiah~~ Mason and ~~Charles~~ Dixon[28] were astronomers of rising

Charles Jeremiah

[26] We believe that Mr. Lukens, who was an excellent officer, died in October, 1789, in Washington county, Pennsylvania; where, and in Beaver county, his descendants are yet found. He was the first Surveyor General of the *Commonwealth*, from April, 1781, to his death. Col. Daniel Brodhead succeeded him.

[27] The length of the west boundary of Delaware, from the middle point to the tangent point on the circle, is eighty-two miles, minus six and one-eighth perches.

[28] Mason had been an assistant in the Royal Observatory, at Greenwich. Both, prior to their service in America, it is said, had been at the Cape of Good Hope to make observations of an eclipse of the sun. It is certain they were there in 1769, to observe a transit of Venus across the sun's disc. Dixon is said to have been born in a coal pit. He died at Durham, in England, in 1777. Mason died near Philadelphia, in 1787. He was probably the more scientific man of the two. From a careful study of their chirography and signatures, Mr. Latrobe infers that "Mason was a cool, deliberate, painstaking man, never in a hurry;" and that Dixon "was a younger and more active man, a man of an impatient spirit and nervous temperament; just such a man as worked best with a sober sided colleague." Their journal and letters, with a map of the lines, are preserved in manuscript at Annapolis. "Their letters are the merest business letters: their journal is the most naked of records." The Archives of Pennsylvania contain no

celebrity in London, in 1763. In August of that year they were employed by the Penns and Lord Baltimore to complete their lines. Furnished with instructions and the most approved instruments, among them a four feet zenith sector, they sail for Philadelphia, where they arrive in November. They go to work at once.[29] They adopt the radius as measured by their predecessors; and, after numerous tracings of the tangent line, adopt also their tangent point, from which they say they could not make the tangent line pass one inch to the eastward or westward. So that if the proprietors had only thought so, the rude sightings and chainings of the American surveyors would have been all right. They thereupon cause that line and point to be marked, and adjourn to Philadelphia to find its southern limit, on Cedar, or South street. This they make to be[30] north latitude 39° 56′ 29″. They then proceed to extend that latitude sufficiently far to the west to be due north of the tangent point. Thence they measure down south fifteen miles to the latitude of the great due west line, and run its parallel for a short distance. Then they go to the tangent point, and run due north to that latitude; and at the point of intersection, in a deep ravine, near a spring, they cause to be planted the corner stone at which begins the celebrated "Mason and Dixon's Line."

Having ascertained the latitude of this line to be 39° 43′ 32″,[31] they, under instructions, run its parallel to the Susquehanna—twenty-three miles; and, having verified the latitude there, they return to the tangent point, from which they run the due north line to the fifteen mile corner, and that part of the circle which it cuts off to the west, and which by the agreements, was to go to New Castle county.[32] Where it cuts the circle is the corner of three

was a long time lost but has lately been found

counterpart of these. Even the agreement of 1760 ~~has been lost~~. Certified copies have supplied the place of ~~it~~ many others of our old colonial papers. It is said that Joseph Shippen, Secretary to the Penn Governors, refused to give them up at the Revolution. Some have been recovered from his papers, and other sources. Those of Maryland and New York have been better taken care of. The original agreement of 1732 is nowhere to be found.

[29] Their first care was to have an *observatory* erected on Cedar street, Philadelphia, to facilitate the ascertainment of its latitude. It was the first building in America erected purposely from which "to read the skies." It was rude and hastily constructed, for they used it in January, 1764.

[30] The latitude of Philadelphia, at the State House, is 39° 56′ 59″.

[31] More accurate observations make it 39° 43′ 26.3—consequently it is a little over nineteen miles south of 40°, as now located.

[32] This little bow, or arc, is about a mile and a half long, and its middle width 116 feet. From its upper end, where the three States join, to the fifteen mile point, where

dominions—an important point; and, therefore, they cause it to be well ascertained and well marked. This brings them to the end of 1764.

They resume their labors upon the line in June, 1765. If to extend this parallel did not require so great skill as did the nice adjustments of the other lines and intersections, it summoned its performers to greater endurance. A tented army penetrates the forests, but their purposes are peaceful, and they move merrily. Besides the surveyors and their assistants, the Messrs. M'Clean—Archibald, Moses, *Alexander*[33] and Samuel, and others, there had to be chain-bearers, rod-men, axe-men, commissaries, cooks and baggage carriers, with numerous servants and laborers, men of all work and camp followers of no work. By the 27th of October, they come to the North (Cove, or Kittatinny) mountain, 95 miles from the Susquehanna, and where the temporary line of 1739 terminated. After taking Captain Shelby with them to its summit, "to show them the course of the Potomac," and point out the Allegheny mountain,[34] the surveyors and their attendants return to the settlements to pass the winter, and to get their appointment renewed.

Early in 1766, they are again at their posts. They begin with an exhausted money chest, and having ascertained that the Penns had advanced £615 more than Lord Baltimore, they send to Governor Sharpe, at Annapolis, for £600 or £700, to be forwarded, "so that Mr. M'Lane may receive it at Fredericktown," the 24th of April. This obtained, they proceed. By the 4th of June, they are on the top of Little Allegheny mountain—the first west of Wills' creek. They have now carried the line about 160 miles from its beginning. The Indians, into whose ungranted territory they had deeply penetrated, grow restive and threatening. They

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the great Mason and Dixon's line begins, is a little over three and a half miles; and from the fifteen mile corner due east to the circle, is a little over three-quarters of a mile—room enough for three or four good Chester county farms. This was the only part of the circle which Mason and Dixon run—Lord Baltimore having no concern in the residue. Penn had it run and marked with "four good notches," by "friends Isaac Taylor and Thomas Pierson," in 1700–'1; but the trees are now nearly all gone, and it is hard to find.

[33] See memoir of Colonel Alexander M'Clean, *ante*—Chap. VII. page 132.

[34] From this summit, the path of the Potomac through the mountains, to the southwest, is distinctly visible; and the Allegheny crest—Big Savage—can be well seen. Old Fort Frederick, too, comes in for its share of the magnificent panorama It was built in 1756, and its ruins are yet in good preservation, a little east of Hancock.

thought this army, though bannerless, meant something. Their untutored minds could not comprehend this nightly gazing at the stars through gun-like instruments, and this daily felling of the forests across their hunting paths. They forbid any further advance, and they had to be obeyed. The artists return leisurely, and note, as they pass, the beauty of their "visto," which, they say, "from any eminence on the line, where fifteen or twenty miles can be seen, very apparently shows itself to be a parallel of latitude." They are pleased with their work.

The agents of the Proprietors now find that there are other lords of the soil whose favor must be propitiated. The Indians just at this time were deeply exercised upon some unsettled boundary questions between them and the whites, and were keenly sensitive to any anticipatory demarcations. The Six Nations, whose council fires blazed upon the Onondago and Mohawk, in Western New York, were the lords paramount of the territory yet to be traversed. To obtain their consent to the consummation of the line, the Governors of Pennsylvania and Maryland, in the winter of 1767–'8, at an expense of more than £500, procured, under the agency of Sir William Johnson, a grand convocation of the tribes of that powerful confederacy. The application was successful; and early in June, 1767, an escort of fourteen stroud-clad warriors, with an interpreter and a chief, deputed by the Iroquois council, met the surveyors and their camp at the summit of the Great Allegheny, to escort them down into the valley of the Ohio, whose tributaries they were soon to cross.

Safety being thus secured, the extension of the line was pushed on vigorously in the summer of 1767. Soon the motley host of red and white men, led by the London surveyors, come to the western limit of Maryland—"the meridian of the first fountain of the Potomac;" and why they did not stop there is a mystery, for there their functions terminated.[35] But they pass it by unheeded,

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[35] There is some evidence that when Penn asked for his grant, he intended it to go no further west than Maryland. It is the only one of the old royal grants which is limited by *longitude*. Its introduction was, perhaps, accidental, to square with his application for *five* degrees of *latitude*. He could as readily have had it to reach to the Pacific.

The general south-westward bearing of the Appalachian ranges of mountains, may well have led the most knowing ones of that day to "guess" that "the meridian of the first fountain of the Potomac" might be much further west than it is. The prospect from the North mountain was very illusive. And yet one can hardly believe they would suppose that meridian to be west of the Monongahela, and within fifteen miles of the Ohio.

In a letter from Governor *Keith*, of Pennsylvania, to Governor *Spotswood*, of Virginia,

because unknown, resolved to reach the utmost limit of Penn's "five degrees of longitude" from the Delaware; for so were they instructed. By the 24th of August, they come to the crossing of Braddock's road. The escort now become restless. The Mohawk chief and his nephew leave. The Shawnese and Delawares, tenants of the hunting grounds, begin to grow terrific. On the 27th September, when encamped on the Monongahela, 233 miles from the Delaware, twenty-six of the laborers desert, and but fifteen axe-men are left. Being so near the goal, the surveyors—for none of the commissioners were with them—evince their courage by coolly sending back to Fort Cumberland for aid, and in the meantime they push on. At length they come to where the line crosses the Warrior branch of the old Catawba war path,[36] at the second crossing of Dunkard creek, a little west of Mount Morris, in Greene; and there the Indian escort say to them, "that they were instructed by their chiefs in council not to let the line be run to the westward of that war path." Their commands are peremptory; and there, for fifteen years, the line is stayed. It was afterwards run out by other hands, as noted elsewhere in these sketches.[37] When completed, its terminus is a "cairn" of stones, on one of the slopes of the Fish creek hills, near the Board Tree tunnel of the Baltimore and Ohio rail road. "And, standing on the cairn, and looking to the east and north, a fresher growth of trees indicates the ranges of the vistas. But climb the highest tree adjacent to the cairn, that you may note the highest mountain within the range of vision, and then ascending its summit, take in the whole horizon, and seek for a single home of a single descendant of the sylvan monarchs, whose war path limited the surveys, and you will seek in vain. But go back to the cairn, and listen there, in the quiet of the woods, and a roll as of distant thunder will come unto the ear, and a shrill shriek will pierce it, as the monster and the miracle of modern ingenuity—excluded from Pennsylvania as effectually by the line we have described, as the surveyors of old were by the Indian war path—rushes round the

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dated April, (1721,) he says—"You very well know, sir, that Pennsylvania, which is three degrees in breadth (?) and extends five degrees west of the river Delaware, must border upon his Majesty's dominion of Virginia to the westward of Maryland, and upon New York to the northward of New Jersey." This is the only avowed knowledge we have, prior to 1768, of Pennsylvania extending further west than Maryland.

[36] See *ante*—"Indian Trails, &c."—Chap. III.

[37] See memoir of Col. Alexander M'Clean—*ante*, Chap. VII.; and "Boundary Controversy," *postea*, Chap. IX.

south-western angle of the State, on its way from the city which perpetuates the title of the Lord Proprietory of Maryland, to find a breathing place on the Ohio, in the 'pan-handle' of Virginia."[38]

Mason and Dixon, with their pack-horse train and attendants,[39] return to the east without molestation, and report their discomfiture to the "gentlemen commissioners," who approve their conduct, and, on the 27th December, 1767, grant to them an honorable discharge, but agree to pay them for a map or plan of their work, which they were instructed to prepare, and did prepare. The commissioners now address themselves to the erection of the required monuments, or stones, upon the lines, and at the corners and intersections around and near the "three counties" of Delaware. This done, they, on the 9th November, 1768, make their final report to the proprietaries; and here the labor upon these lines ends, in America, until after the titles of Baltimore and the Penns are wrested from them by the strong arm of revolution.

In conformity to the agreements and the decree of the Chancellor, the lines were well marked. All the corners and intersections were ascertained by firmly fixing thereat "one or more remarkable stones," on which were graven the arms of the proprietors on the sides facing their possessions respectively. Along the lines, at the end of every fifth mile, a stone thus graven was planted, the intermediate miles being noted by a stone having M. on one side and P. on the other. Most of the stones on which the coats of arms were graven, were brought from England. On the great due west line—Mason and Dixon's line proper, this mode of demarcation was used as far as the eastern base of Sideling Hill mountain, 132 miles from the spring corner. But the difficulty of transporting the graven stones any further westward, compelled the surveyors to depart from the agreement, and to find their marks as they went along—no very difficult matter. From Sideling Hill to the Great Allegheny summit, they denoted the line by conical heaps of earth or stones, six or seven feet high, on the tops of all the ridges and mountains. From the summit of the

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[38] Mr. Latrobe's lecture, before quoted. See *ante*, note 12.

[39] Among these, besides the Messrs. *M'Clean*, were *Hugh Crawford*, the old Indian trader, who, for his services, got a grant of part of Col. Evans' estate, (*ante*, Chap. VI. note 12,) and *Paul Larsh*, of George's creek, father of Hannah, the wife of Joseph Baker, of Nicholson township, who was the widow of George Gans. See *Larsh vs. Larsh*, Addison's Reports, 310. Old *John Tate*, of Redstone, is said also to have been of the company.

Allegheny westward, as far as they went, similar marks were erected at the end of every mile, with a post inserted in each.

The "visto" of the line was opened twenty-four feet wide, by felling all the trees and large bushes, which were left to rot upon the ground. The monuments of the line were erected along the middle of this pathway, in the true parallel.

The instruments used by Mason and Dixon were an ordinary surveyor's compass, to find their bearings generally, a quadrant, and the four feet zenith sector which they brought from London, for absolute accuracy. The ferruginous character of much of the territory they traversed, forbid much reliance upon the needle. The sector enabled them to be guided by the unerring luminaries of the heavens.

The measurements were made with a four pole chain of one hundred links each, except that, on hills and mountains, one of two poles, and sometimes a one pole measure, was used. These were frequently tested by a statute chain carried along for that purpose. Great care was enjoined as to the plumbings upon uneven ground; and, so far as they have been since tested, the measurements seem to have been very true.

While the surveyors were in progress upon the line, the Proprietors humbly besought his Majesty, George III., to allow and approve their agreement of 1760, and the confirmatory decree of the Chancellor thereon, to the end that his Majesty's subjects inhabiting the disputed lands might have their minds quieted. His Majesty deferred his approval until January, 1769, after the lines had been completed and the final report of the commissioners made. Even all this, however, did not quite end the disturbances. Says Governor John Penn, in 1774:—"The people living between the ancient *temporary line* of jurisdiction, and that lately settled and marked by the commissioners, were in a lawless state. Murders, and the most outrageous transgressions of law and order, were committed with impunity in those places. In vain did persons injured apply to the government of Maryland for protection and redress." This, of course, refers to the little strip of a quarter of a mile in width along the southern confines of York, Adams and Franklin. Thirty years had caused the *temporary* line to be deemed the *permanent* boundary—the common fate of accommodation lines between adjoining land owners.

Nor was this quite all. In 1771, Frederick, Lord Baltimore, died, and his heir was a minor under guardianship. And when, in 1774, Governor Penn, under stress of the "lawless state" of his

south-western frontier, made proclamation of his purpose to extend and enforce his jurisdiction "quite home" to the established line, his young lordship's guardian was induced to ask the king to arrest the Governor's proceedings, upon the grounds that the Maryland proprietary had not capacity to concur in the ratification of the line, and that his subjects settled on the frontiers, knowing this, would resort to violence and bloodshed. The partisans of Virginia—who were now carrying on her boundary war with the Penns—had perhaps more to do with this groundless interference than had the friends of the infant Lord Baltimore. When the king was apprized that the line had been run, marked, reported and confirmed, in pursuance of Frederick's agreement, and all done in his lifetime, he "graciously" recalled his countermand of Governor Penn's proclamation. And now, finally, and, as we trust forever, Maryland and Pennsylvania are at peace. The two oldest and most contiguous sovereignties carved out of ancient New England and Virginia—the "North" and the "South," resume their primitive peaceful repose upon the line—this famous Mason and Dixon's Line—which is the agreed substitute for the ancient 40°.

The width of a degree of longitude varies according to the latitude it traverses—expanding towards the equator, and contracting towards the pole. In the latitude of our line, Mason and Dixon computed it at fifty-three miles and one hundred and sixty-seven and one-tenth perches. They consequently made Penn's five degrees of longitude from the Delaware to be two hundred and sixty-seven miles and one hundred and ninety-five and six-tenth perches.[40] To their stopping place at the war path on Dunkard, they say, was two hundred and forty-four miles one hundred and thirteen perches and seven and one-fourth feet. Hence they left, as they computed it, twenty-three miles and eighty-three perches to be run. It was subsequently ascertained that this was about a mile and a half too much—a discovery which created some inconvenience upon the western line of Greene county.[41]

We have seen no evidence that Mason and Dixon actually measured the distance from the Delaware to where they began the due

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[40] It seems it should have been only two hundred and sixty-six miles ninety-nine and one-fifth perches; and so we say it was found to be by the surveyors of 1784, in our note (4) to Memoir of Col. Alex. M'Clean—*ante*, Chapter VII. But that is Col. Graham's estimate in 1849. We have not found what it was made to be, in 1784.

[41] See note (4) referred to in note 40, and note 42.

west line at the stone near the spring. But they, or some others for them, must have done so, for it is part of the five degrees of longitude. They estimated it at fourteen miles forty perches and ten feet. The mile-stones upon the line are numbered according to their distance from the north-east corner of Maryland—the spring corner—instead of from the Delaware. This has created some confusion and misapprehension as to the length of the line. Our most approved State map—Barnes', of 1848—has them so numbered with great apparent accuracy; although not always coinciding with other notations of distances upon the line.[42]

The line crosses the Cumberland, or National road, about three miles south-east of Petersburg; the Youghiogheny about three miles south of Somerfield; the Cheat at the mouth of Grassy run, (the line ford); the Monongahela near the mouth of Crooked run.

The north-west corner of Maryland, upon this line, is near the road from Haydentown to Selbysport, or Friend's, about half a mile west of the intersection of Henry Clay and Wharton townships; being about one hundred and ninety-nine miles west of her north-east corner, and about fifty-four miles east of the south-west corner of Pennsylvania; or, one degree of longitude short of *our* western confine.

Very many of the marks and monuments upon the line have been removed, or have crumbled down; and its *vista* is so much grown up as to be hardly distinguishable from the adjacent forests. It should be re-traced and re-marked. Except in part of Greene county, all the original surveys of lands upon the line were made after it was authoritatively fixed. Hence no inconvenience or trouble has yet arisen from its partial obliteration. But one of the best securities for peace between neighbors is to keep up good division fences.

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[42] The surveyors of 1739 made the distance from the Susquehanna to "the top of the most western of the Kittochtinny hills," (the North or Cove mountain,) only eighty-eight miles. The map shows it to be nearly one hundred.

The map makes the line cross the Monongahela at about two hundred and nineteen and a half, or two hundred and thirty-three and a half, from the Delaware, which accords with Mason and Dixon. But our Book of Official Surveys, made in 1786, shows the following mile posts *east* of the river, viz: the two hundred and twenty-second on the south line of the old Samuel Bowen tract; the two hundred and twenty-first about half way in the south line of the old Robert Henderson tract; the two hundred and twentieth about the middle of the south line of the John M'Farland tract—the Ferry tract. There was then a pile of stones in the line, on the river hill, near the south-west corner of the Bowen tract. Col. M'Clean run these tracts, and he is presumed to have known the marks. There is error somewhere. The line then (1786) bore south 89° west.

Some troubles did grow out of a removal of some of the monuments upon the eastern parts of the lines. Many years ago the "remarkable stone" which marked the south-west corner of Delaware was dug up in one of the fruitless searches for the buried treasure of Captain Kidd; and at a later period the stone near the spring, which marks the north-east corner of Maryland, having been undermined by floods and fallen, was taken by a neighboring farmer for a chimney-piece, and a post planted in its place. Surmises sprung up that some others of the stones which defined the limits of the little State had been displaced. Many of the dwellers around the notch and circle seemed not to know to whom they belonged. These doubts and dilapidations induced the three States of Delaware, Maryland and Pennsylvania, in 1849, to create a joint commission to re-trace the lines in that vicinity, and replace the missing monuments. The commissioners procured Lieut. Col. James D. Graham, of the corps of Topographical Engineers of the United States, to execute the work. He of course had to review much of the labors of Mason and Dixon and their predecessors. Generally he found that remarkable accuracy characterized those early displays of geometrical science. The post near the spring was in the right place, and the courses all right. Some errors were, however, detected. Some of the miles had been made a few feet too long. The radius was found to be two feet four inches too short; and by some errors in locating the tangent point, and the junction of the three States at the point of the notch, or bead, it was found that Maryland had got back from Delaware a little over one acre and three-quarters of what she had lost by King James' order, in 1685. Even these trifling errors prove the wonderful certainty of mathematical science. Colonel Graham's labors wrought a change in the allegiance of several gentlemen residing near the circle, who had hitherto supposed themselves citizens of Delaware. A Mr. William Smith, who had been a member of the Legislature of that State, was found to be a full half mile within Pennsylvania; which also took in the old Christiana church by a hundred yards.[43]

It is ever thus with all things terrestrial. Men change and are changed. Monuments crumble and are removed. Even "a thing of beauty is *not* a joy forever." Decay and renewal are the constant

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[43] See the curious and learned report of *Colonel Graham*, with other documents, in *Senate Journal* of Pennsylvania, 1850, vol. 2, page 475.

succession of human affairs and human structures. The marks of boundary cannot escape this destiny. No art, no care, can preserve them as they were. The limits of empire which nature establishes are not unvarying. Rivers change their channels—the soil of one State becomes the delta of another—and ocean takes away from continents, to be compensated by new islands in the watery waste. An assurance of permanency, and of enduring peace upon its borders, may be derived from the purely arbitrary origin of our Line—that in its establishment Nature had no agency; for

> "Lands intersected by a narrow frith
> Abhor each other. Mountains interposed
> Make enemies of nations, who had else,
> Like kindred drops, been mingled into one."

To comprehend the subject of this sketch, we have had to course over more than three centuries of this world's history, halting here and there to gather up and arrange the events which relate to it. It is more than two hundred years since the seeds of the strife were sown, of which the line is the harvest; and nearly a century has run since the surveyors were running its thread through the forests. Within those periods what great events have transpired. Civilization, science, freedom, religion and population have rolled their resistless tides over this continent. Empires have risen and fallen; dynasties have sunk into nothingness. Yet this line stands; and its story increases in interest as time grows older. Nor is its history yet ended. God grant that it may never have to be written of it that it severed this glorious Union! What is yet to be said of it *now* belongs to our next chapter; for "westward the course of empire takes its way," and with it goes its boundary controversies.

SUPPLEMENT.

BOUNDARY CONTROVERSY WITH VIRGINIA.

The further history of this celebrated line belongs to another of the controversies through which Pennsylvania has had to pass to establish her boundaries. We refer to that which the peculiarities of her charter and the stirring events in the south-western corner of the province, during the twenty years preceding 1774, brought to a head between her and Virginia, just as the great contest between the crown and the colonies was heading up to revolution, which pervaded the entire period of that eventful struggle, and terminated almost cotemporaneously with its successful close.

We cannot here narrate the events, or unfold fully the grounds of that once portentous strife. Its scope is too ample, and its amplitude too full of interesting and instructive teachings, to bear compression into what must be a mere appendage to the preceding sketch. The great subject to which it related was the extent and shape of our limits westward. We limit our design now to such an exposition only of its leading features as will fill out the history of our southern boundary. About four-fifths of the line was the result of a compromise to which Virginia was no party. North of 38° and the Potomac, she had to be silent. But west of the "meridian of the first fountain" of that river, she lifted up her voice loudly against "northern aggression;" not, however, as we shall see, to her very lasting advantage.

As a colonial grant, Virginia never had any rights north of 40°. And upon her decapitation, by *quo warranto*, in 1624, she became a mere appendage of English empire, without any fixed boundaries, subject to having her limits impaired as often as it should please his Majesty to confer new grants out of her original domain. Maryland and North Carolina are thus derived. And yet, both as a colony and as a State, she has kept up continual claim to territory north of 40°. The "pan-handle" still rears its head above the 40th degree; and the doubtful recognition, since 1780, of her

vaunted claim to the great territory north-west of the Ohio and east of the Mississippi, attests her pretensions in that direction.[1] With this we have here nothing to do. But we may well challenge her right to intrude within the limits of a specific grant carved out of territory which she never owned. Indeed, she claimed that the extinction of her charter enlarged her bounds; that thereupon she became keeper for the king of all contiguous territory not rightfully held by some other colony. It was upon this pretense that she assailed Pennsylvania. The posture was plausible enough during her colonial vassalage. But upon her revolt from her kingly allegiance—asserting existence as an independent State—she forfeited her vice-regal prerogatives, and became shut up to the territory which, without encroachment upon her neighbors, she had settled and governed. And yet Pennsylvania had to contend with her in both these characters.

The site of Pittsburgh, and the Indian trade which centred there, became early the objects of Virginia cupidity. Her efforts to acquire these brought on the French war of 1754–'63, in which Washington rose and Braddock fell. It was upon the laggard defence, and almost abnegation of ownership, of her ultramontane territory, by Pennsylvania, in the early stages of this war, that Virginia based her claim as the king's representative. She turned upon the sons of Penn the battery which he, in 1682, raised against Lord Baltimore's right to Delaware. The position taken was that the Penns, by suffering the French to conquer all west of the mountains, thereby rendering it necessary that it should be re-conquered by his Majesty's arms, had forfeited, to that extent, their chartered limits; and that upon its retrocession by France to the British king, in 1763, it became his again "to give as he pleaseth." The argument, when tested by the rules of right and the truth of history, turns out to be more specious than solid. It was soon superseded by other pretexts which were thought to possess greater potency.

The natural connections of South-western Pennsylvania were with Maryland and Virginia. These were greatly strengthened by the opening of the old Ohio Company's path, afterwards Brad-

[1] We are aware that we are treading here upon tender ground. But, were this the place to do it, it could readily be shown that the postulate of Mr. Chief Justice Taney, in *Dred Scott vs. Sandford*—that "this immense tract of country was within the *acknowledged limits* of the State of Virginia," is an entire reversal of the truth of history. Her claim was *only* a claim, and so regarded by the old Confederacy Congress.

dock's road, from Wills' creek, (Cumberland,) to the head of the Ohio, and the events of the French war. The early settlers came almost wholly from middle Virginia and Maryland, upon the Potomac, bringing with them a hereditary dislike to Pennsylvania rule and manners, and squatting down upon what they supposed was Virginia territory. Hence when, in 1769, the Penns began to sell their lands at £5 per one hundred acres, and, in 1771, by the erection of Bedford county, extended over them the arms of government, with its restraints and taxes, repugnance soon rose to resistance.

At this opportune crisis Virginia, under the governorship of Lord Dunmore, late in 1773, interposed to assert her jurisdiction. The disputed territory was made the western district of Augusta county, with Fort Pitt as the seat of dominion. The invasion was at once both civil and military. Early in the same year Pennsylvania had erected the county of Westmoreland over all her western territory, with her seat of justice at Hannastown. At first the conflict was fierce and alarming. His lordship, finding a fit instrument of mischief in one Doctor John Connolly,[2] with numerous subordinates and a ready populace, held his usurped possession with unyielding tenacity. Pennsylvania officers were contemned and resisted, her justices imprisoned, her jail broken open, and her courts broken up. Vagaries and enormities were for a while enacted which find no parallel in any other period of our western history. To quell the tumult of the times, the Penns had recourse to negotiation; but without any other result than to disclose more fully the conflicting claims of the parties.

The reader will remember that the only fixed, natural landmarks named in the charter, by which to determine the form and extent of Pennsylvania, were New Castle town and the river Delaware. The latter was her eastern bounds; while the former was to be used as the centre of a circle of twelve miles radius, whose northwestern segment was to connect the river with the "*beginning* of the 40th degree." Westward, the province was to extend "five degrees in longitude *to be computed from said eastern bounds.*"

The Penns now claimed, for their western boundary, a line

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[2] As an adventurer—tool of Dunmore—instigator of Indian war—Tory—prisoner—and in 1788, fomentor of troubles in Kentucky, the life of this renegade son of Pennsylvania is one of peril and mischief. The curious reader may trace him in *Washington's Journal*, 1770, *Nov.* 22.—4 *Pa. Archives*, *Index* "*Connolly*"—1 *Olden Time*, 520—2 *Ditto*, 93—3 *Sparks' Washington*, 211, 269, 271—8 *Ditto*, 25—9 *Ditto*, 474, 485—*Western Annals*, 492.

beginning at 39°, at the distance of five degrees of longitude from the Delaware, thence *at the same distance from that river in every point*, to north latitude 42°, so as to take into the Quaker province some fifty miles square of North-western Virginia, west of the west line of Maryland. Dunmore scouted this claim and difficult-to-be-ascertained line. He insisted that our western boundary should be a *meridian* line run south from the end of five degrees of longitude from the Delaware, on line 42°; which, said he, will throw the western line of Pennsylvania at least fifty miles east of Pittsburgh. This pretense was based upon the belief that the Delaware continued to 42° the north-eastward bearing, which changes to north-west at the eastern corner of Pike county—so little was then known of our interior geography. The next expedient by the Penns was to propose Mason and Dixon's line to the Monongahela, and thence that river to the Ohio, as a *temporary boundary*.[3] This, too, was rejected; his lordship saying that upon nothing less than his Majesty's express command would he relinquish Pittsburgh. Here negotiation ended; and violence and oppression continued their sway, until checked up by more absorbing interests.

The outburst of the Revolution, in 1775, and the fall of the Dunmore dynasty, produced a lull in the storm of inter-colonial strife? [4]Partisans became patriots, and rushed with eagerness to repel a common foe. For a brief period the civil jurisdiction of Pennsylvania seems to have been yielded. Military control was all that Virginia exercised. But this blending of incoherent pretensions could not long endure. It severed as soon as the first intense fervors of revolution had cooled down into an earnest struggle for independence.

And now Virginia behaved towards Pennsylvania with an inconsistency, if not cool vindictiveness, without precedent or palliation. On the 15th of June, 1776, her revolutionary convention, justly deprecating the conflict of jurisdiction in the disputed territory, proposed to Pennsylvania a *temporary boundary*, which, they

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[3] As the Penns claimed it, not far from the true line; which would have left Pittsburgh about six miles in Pennsylvania.

[4] Among the most resolute of the Penn adherents were, *Arthur St. Clair*, then Prothonatory, &c. of Westmoreland, afterwards Major General, &c. and *Thomas Scott*, afterwards first Prothonatory of Washington, and first member of Congress from Western Pennsylvania. Of the Virginia partisans were *Dorsey Pentecost*, afterwards Clerk of Yohogania county, first member from Washington in Sup. Ex. Council of Pa.; *Colonel William Crawford*, who was burnt by the Ohio Indians in 1782; *Colonel John Campbell*, afterwards prominent in Kentucky; *George Croghan*, Indian agent, &c.

said, "would most nearly leave the inhabitants in the country they settled under;" which boundary is as follows: from the north-west corner of Maryland to Braddock's road—by it to the Great Crossings of the Youghiogheny—down that river to Chesnut Ridge mountain—along its crest to Greenlick run branch of Jacob's creek—down it to where Braddock's road crossed—by the road and its continuation towards Pittsburgh to the Bullock Pens [a little north-west of Wilkinsburg], and thence a straight line to the mouth of Plum run [creek] on the Allegheny! East of this Pennsylvania was to rule—west of it, Virginia. The Pennsylvania convention, in September, 1776, very properly rejected this proposal; because, being very wide of her true limits, its adoption as a temporary line would be productive of more confusion than if it was to be final.

Ere the rejection of this preposterous proposition, the same Virginia convention that made it had, on the 29th of June, 1776, by her constitution, expressly "ceded, released and forever confirmed unto the people of Pennsylvania, all the territory contained in her charter, with all the rights of property, jurisdiction and government which might at any time heretofore have been claimed by Virginia." At this time she well knew, from Mason and Dixon's measurements and otherwise, that much of the chartered limits of Pennsylvania must fall west of the proposed line, while no Virginia territory could lie east of it. Nevertheless, during the further progress of the controversy she conformed her jurisdiction very nearly to this rejected line.

The next movement by Virginia was a bold stride at dominion. Assuming that Pennsylvania, as well as Maryland, should not reach further west than the "meridian of the first fountain of the Potomac," she, by an Act of her Assembly, passed in October, 1776, proceeded to define the boundary between her east and west Augusta districts; and having annexed some inconsiderable parts of her now north-western counties, and all of Pennsylvania west of the aforesaid meridian, to the latter, divided it into three counties—Ohio, Monongalia and Yohogania. Nearly all of the last and much of the other two were composed of Pennsylvania territory. The last took in what are now the county seats of Washington, Fayette, Westmoreland and Allegheny, and all north of them. Under this law, justices' courts were regularly held[5]—senators and delegates to the Virginia Legislature chosen, and all the other functions

[5] The Yohogania courts were held in the upper story of a log jail and court house, 24 by 16 feet, on the farm of Andrew Heath, upon the Monongahela, at or near where Elizabeth now is. We have seen its Minutes. It did a large and varied business.

of government, civil and military, exercised, from 1776 to 1780. In the meantime Pennsylvania kept up her power, as well as she could, through her Westmoreland county organization, over the whole of her territory as she claimed it. There was literally an *imperium in imperio*, especially between Braddock's road and the Monongahela, which was perhaps the most densely settled portion of the disputed territory. West of that river, except here and there upon its western shore and the south-east corner of Greene, Pennsylvania did not venture. Nor did she ever intrude her functions south of Mason and Dixon's line.

The machinery of the new district counties worked badly, especially in its military movements, which at that warlike period were of primary importance. This, and a returning sense of justice, induced Virginia, in December, 1776, to propose an adjustment of the lines, as follows: extend the west line of Maryland *due north to* 40°—thence due west to the limit of five degrees of longitude from the Delaware—thence northward, at five degrees distance from that river *in every part;* or, if preferred, at proper points and angles with intermediate straight lines, to 42°:—thus cutting "a monstrous hantle out" of south-western Pennsylvania—overleaping the ancient 40°, but yielding to the Penn claim of 1774, which Dunmore so stoutly resisted. There would have been some force in this claim of Virginia to go up to the true 40°, had her charter of 1609 not been recalled; for it bounded her on the north, not by a degree of latitude, as was Maryland, but by two hundred miles of coast-line northward from Point Comfort. But as between Penn and the king, in 1681, the 40° of that day was the true limit of the grant. This offer was rejected also.

The disheartening reverses and exhausting efforts of the Revolutionary struggle, during 1777 and 1778, withdrew the disputants from any attention to their boundary troubles. For a while the strife stood still, except that its inconveniences and conflicts upon the disputed territory were as perplexing as ever. Brighter auspices dawned in 1779. Early in that year Pennsylvania proposed to Virginia a joint commission to agree upon their boundaries. The latter acceded. The commissioners met in Baltimore, and on the 31st of August, 1779, agreed upon the following boundaries:[6] "to extend Mason and Dixon's line due west five degrees of

[6] The Pennsylvania commissioners were, George Bryan, Rev. John Ewing, D. D., and David Rittenhouse; Virginia sent Right Rev. James Madison and Rev. Robert Andrews.

longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania; and that a *meridian*, drawn from the western extremity thereof to the northern limit of said State, be the western boundary of Pennsylvania forever."

We know but little of what occurred at the meeting of these commissioners.* A letter is extant from one of the Pennsylvania commissioners—Judge Bryan—saying that the Virginians offered to divide equally the 40th degree; but for what equivalent is not revealed.[7] There is a tradition, too, that the Judge resisted an offer to extend Mason and Dixon's line to the Ohio. Doubtless this generosity on the part of Virginia was to be compensated north of that river. It is probable that, in this negotiation, the parties stood pretty much where they did in May, 1774—Pennsylvania claiming down to 39°, and to have her western line an irregular curvilinear parallel to the Delaware,[8] and Virginia claiming to stop her, on the south, at 40°. The idea of making our western boundary to be a straight line, or chord, subtending the irregular arc formed by the two extremes of five degrees from the Delaware, on the north and on the south, seems never, at any time, to have been claimed or proposed. A chancellor might have so decreed without any violence to the charter. One is almost tempted to regret that the Pennsylvania commissioners had not claimed to turn round at Fairfax's stone and asked for *all* of Virginia north of 39°. They had as good ground for the whole as for part. And who knows but that a little more expanded pretensions in that direction might have induced the Virginians to give us the "pan-handle!" We must not, however, complain. They did exceedingly well. They probably did not know that there would be room there to turn[9] north of 39°. And it is fortunate that Virginia did not know that when Pennsylvania, in 1771, erected Bedford county, she expressly recognized the *ex parte* extension of Mason and Dixon's line, west of Maryland, as her southern boundary.

But the troubles were not yet ended. The agreement of the commissioners had to be ratified, and the lines to be run. Penn-

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[7] See 1 *Olden Time*, 451.

[8] The late Judge H. H. Brackenridge (Law Miscellanies, 254,) reverses this position of the parties. His views of the subject are palpably erroneous in other particulars; hence, very probably, in this also. If the parties stood as he places them, Pennsylvania got more than she claimed.

[9] It was at this date an open question whether Maryland would not begin her western line at the "first fountain" of the *South branch* of the Potomac.

* See 10. Hening's Stat. at Large (Va.) 521.

sylvania promptly assented to the "compromise" in November, 1779—as well she might, seeing that it expanded her western territory full half a degree without any equivalent loss on the south. Virginia, perhaps, seeing this, held back; and in December, 1779, sent into the disputed territory a court of commissioners to adjust land titles. No event in the whole controversy so roused the ire of Pennsylvania as did this attempt to dispossess her own settlers and adjudicate their lands to claimants who had defied her jurisdiction. A very determined intimation that a continuance of the intrusion would be repelled by force, led to its withdrawal. Thereupon, in June, 1780, Virginia ratified the agreement; clogging it, however, with a condition which protected all the rights to persons and property which her settlers had acquired prior to that date, providing that rights to lands should be determined by priority of title or settlement, and be paid for to Pennsylvania at Virginia prices, if acquired from her. Under these provisions many land titles in South-western Pennsylvania are held by patents based upon Virginia certificates, and west of the Monongahela there are many Virginia patents. They conduced to many troubles and hardships. Pennsylvania foresaw that such would be their fruits; and, therefore, for a while withheld her assent; but at length, in September, 1780, declaring herself "determined to give to the world the most unequivocal proof of her earnest desire to promote peace and harmony with a sister State, so necessary during this great contest against the common enemy," assented to the unequal condition. And here this *boundary controversy* closed—the last of the series which Pennsylvania has had to encounter.

It remained yet to run and mark the lines. This it was intended to do, in 1781, permanently; but the pressure of the "great war of liberty" compelled its postponement. The withdrawal of Virginia, in 1780, from the disputed and *ceded* territory, called for the erection by Pennsylvania, in 1781, of the county of Washington, comprising all of the State west of the Monongahela and south-west of the Ohio. This new organization imperatively demanded some ascertainment of its boundaries on its two Virginia sides. A promise of a joint effort to do this, by a *temporary line*, in the fall of that year, failed of accomplishment on the part of Virginia. It was run in November, 1782, by Col. Alex. M'Clean, of Fayette, (then Westmoreland,) and Joseph Neville, of Virginia, from the war path crossing of Dunkard to the corner, and thence to the Ohio. They were instructed to extend Mason and Dixon's line twenty-three miles, which proved to be about a mile and a half too much;—an error

which occasioned some loss to certain Philadelphia gentlemen—the Cooks, and perhaps others, who, before the final running of the lines, had caused some land-warrants to be laid, abutting upon the *temporary line*, on the western border of, now, Greene county. Less than twenty-two miles were wanting to complete the distance of the charter.

Pending these delays Pennsylvania had no little trouble with many of her newly-acquired Washington county citizens, who hated her rule and resisted their transfer. They asked Congress, under a provision in the old Articles of Confederation, to establish the curvilinear parallel with the Delaware, which would restore them to Virginia. Their petitions were unheeded. Whereupon they went deeply into a project for a *new State*, which was to include Western Pennsylvania, Ohio east of the Muskingum, and Virginia northeast of the Kenhawa, with Pittsburgh as the seat of empire. It was a resurrection of the old "Walpole grant" of 1772.[10] So rife had the scheme become, that Pennsylvania had to counteract it by all her power, declaring it, by an Act passed in December, 1782, to be *treason*. In many other ways her authority was contemned, her laws resisted, and her officers defied and maltreated. Especially was this the case with her odious *excise* law. And in the resistance which it encountered is found the precedents for many of the excesses of the renowned "Whiskey Insurrection." Gradually, however, and by countervailing infusions of a more thorough Pennsylvania population, the disaffection receded; and no where, for at least half a century, has any people been more proud of their government, or more submissive to its requirements.

It was not until 1784 that Mason and Dixon's line was completed, upon astronomical observations, and permanently marked. The great difficulty—the nice point, was to fix its western termination. To do this, some of the most scientific men of that day were employed. On the part of Virginia they were the Right Rev. James Madison, Bishop of Virginia, Rev. Robert Andrews, John Page and Andrew Ellicott, of Maryland. The Pennsylvania commissioners were John Lukens, Surveyor General, Rev. John Ewing, D. D., David Rittenhouse and Thomas Hutchins. They undertook

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[10] Concerning "Walpole's grant," see 2 Sparks' Washington, 356–7, and 483—Sparks Life of Franklin, 339—3 Journals of Old Congress, 359—4 Ditto, 23—4 Pa. Arch. 483 579. On the *New State* project, see 2 Olden Time, 479, 537—Brackenridge's Law Miscell. 511—9 Pa. Arch. 233, 315, 324, 438, 444, 565, 572, 637—10 Ditto, 40, 41 163.

the task from "an anxious desire," they say, "to gratify the astronomical world in the performance of a problem which has never yet been attempted in any country, and to prevent the State of Pennsylvania from the chance of losing many hundred thousands of acres secured to it by the agreement at Baltimore." To solve the novel problem, two of the artists of each State, provided with the proper astronomical instruments and a good time-piece, repaired to Wilmington, Delaware—nearly on the line, where they erected an observatory. The other four, in like manner furnished and with commissary, soldiers and servants, proceeded to the west end of the *temporary line*, near to which, on one of the highest of the Fish creek hills, they also erected a rude observatory. At these stations each party, during six long weeks of days and nights preceding the autumnal equinox of 1784, continued to make observations of the eclipses of Jupiter's moons and other celestial phenomena, for the purposes of determining their respective meridians and latitude and adjusting their time-pieces. This done, two of each party come together, and they find their stations were apart *twenty minutes* and *one and an eighth seconds*. The Wilmington station was one hundred and fourteen (four pole) chains and thirteen links west of the Delaware. Knowing that twenty minutes of time were equal to five degrees of longitude, they make allowance for said one hundred and fourteen chains and thirteen links, and for the said one and an eighth seconds, (equal, they say, to nineteen chains and ninety-six links,) and upon these data they shorten back on the line to twenty minutes from the Delaware, and fix the south-west corner of the State by setting up a square unlettered white-oak post, around which they rear a conical pyramid of stones, "and they are there unto this day."[11]

There was no re-tracing of the line from the north-west corner of Maryland; nor was it measured from the end of Mason and Dixon's running to the cairn corner. All that was done was to connect these two points by opening vistas over the most remarkable heights and planting posts on some of them, at irregular distances, marked with P. and V. on the sides, each letter facing the State of which it is the initial. The corner was guarded by two oak trees, with six notches in each, as watchers. It could not be too well secured; for it, and the twenty-two miles from the war path, cost the State £1455 specie, equal to nearly $4000, besides six dollars per day to

[11] See the *Report* in 10 Pa. Archives, 373, 374.

each of the "astronomers!"[12] Their commissary was Col. Andrew Porter, father of ex-Governor David R. Porter. Being, at the western end, some "thirty miles from any settlements," his duties were exceedingly onerous. And here, near the end of 1784, ends the history of Mason and Dixon's line.

The next year (1785) the western line, to the Ohio, and some forty or fifty miles beyond it, was run and marked in like manner, with the addition of deadening the trees in the vistas between the hills. The Pennsylvania artists were Col. Andrew Porter and David Rittenhouse; those of Virginia, Joseph Neville and Andrew Ellicott, the latter acting for Pennsylvania north of the Ohio, where Virginia pretensions ended by reason of her cession of the Northwest Territory to the United States in 1784. It was completed to Lake Erie, in 1786, by Col. Porter and Col. Alexander M'Clean. Its length is about one hundred and fifty-eight miles.

Thus honorably and successfully has Pennsylvania borne herself in all her boundary contests; never encroaching upon her neighbors' rights, yet always gaining by their intrusions upon her territory. Her uniformly calm, patient, persevering defensive policy, begun by her Proprietors and perpetuated in the Commonwealth, has added one-fourth to the area of her chartered limits. Setting out in her controversial career upon the maxim: "Be just and fear not," the fiercest assaults never provoked her to retaliate, nor did the boldest invasions ever compel her to yield. And although it would be unkind, if not unjust, to accuse her invaders of willful aggression, we may safely say of them, as did Lady Macbeth of her "thane:"

"Wouldst not play false, and yet wouldst wrongly win."

In the ultimate accessions of both valuable territory and valuable population, with which Pennsylvania was compensated for the troubles they gave her, may be read an instructive lesson to all the States, in the present and all coming time—never to encroach upon any of the rights of a co-equal Sovereignty. The redress of individual wrongs may be deferred to a future state of being, but the retributions which communities incur admit of no such postponement:

"in *these cases*
We still have judgment *here;* that we but teach
Bloody instructions, which being taught, return
To plague the inventor."

[12] They lived well. Among their "accommodations," ordered by the State, were 60 gallons spirits, 20 gallons brandy, 40 gallons Madeira wine, 200 pounds loaf sugar, a small keg of lime [lemon] juice, 6 pounds tea, 20 pounds coffee, 30 pounds chocolate, 20 pounds Scotch barley, &c.

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